



# Factories Act 1961

1961 CHAPTER 34 9 and 10 Eliz 2

**E+W+S**

An Act to consolidate the Factories Acts 1937 to 1959 and certain other enactments relating to the safety, health and welfare of employed persons. [22nd June 1961]

## Modifications etc. (not altering text)

- C1** Act extended by [Education \(Scotland\) Act 1962](#) (c. 47), **s. 136**, [Radiological Protection Act 1970](#) (c. 46), **s. 2(5)** and [Atomic Energy Authority Act 1971](#) (c. 11), **s. 18(1)**
- C2** Act (except s. 135) amended by S.I. 1988/1222, **regs. 3, 4**
- C3** Act (except s. 135) amended by S.I. 1990/1380, **reg. 3**
- C4** Act: except s. 135 saved by virtue of [Health and Safety at Work etc. Act 1974](#) (c. 37, SIF 43:3), s. 53, **Sch. 1** and [Tay Road Bridge Order Confirmation Act 1991](#) (c. iv) Sch. Pt. VII, s. 62
- C5** Act except s. 135 saved by virtue of [Health and Safety at Work etc. Act 1974](#) (c. 37, SIF 43:3), s. 53, **Sch. 1** and [Highland Regional Council \(Harbours\) Order Confirmation Act 1991](#) (c. xii), **s. 61(1)(f)**  
Act restricted (1.10.1993) by S.I. 1993/1897, **reg. 40**
- C6** Definition of 'factory' applied (E.W.) (1.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), ss. 58(6), 71-84, 106(9), 162-172, 223(2), **Sch. 6**, Pt.I, para. 1(2) (with ss. 82(3), 186(1), 222(1), Sch. 14 para.6)

## PART I **E+W+S**

### HEALTH (GENERAL PROVISIONS)

#### [<sup>F1</sup>1] **Cleanliness.** **E+W+S**

- (1) Every factory shall be kept in a clean state and free from effluvia arising from any drain, sanitary convenience or nuisance.
- (2) Without prejudice to the generality of subsection (1) of this section,—
  - (a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages;

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- (b) the floor of every workroom shall be cleaned at least once every week by washing or, if it is effective and suitable, by sweeping or other method.
- (3) Without prejudice to the generality of subsection (1) of this section but subject to subsection (4) thereof, the following provisions shall apply as respects all inside walls and partitions and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases, that is to say,—
  - (a) where they have a smooth impervious surface, they shall at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district;
  - (b) where they are kept painted in a prescribed manner or varnished, they shall be repainted in a prescribed manner or revarnished at such intervals of not more than seven years as may be prescribed, and shall at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district;
  - (c) in any other case they shall be kept whitewashed or colourwashed and the whitewashing or colourwashing shall be repeated at least once in every period of fourteen months.
- (4) Except in a case where the inspector for the district otherwise requires, the provisions of subsection (3) of this section shall not apply to any factory where mechanical power is not used and less than ten persons are employed.
- (5) ..... F2]

**Textual Amendments**

**F1** S. 1 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt. I** (with reg. 27(2)).

**F2** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

[<sup>F3</sup>2 **Overcrowding.** **E+W+S**

- (1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed in it.
- (2) Without prejudice to the generality of subsection (1) of this section but subject to subsection (3) thereof, the number of persons employed at a time in any workroom shall not be such that the amount of cubic space allowed for each is less than [<sup>F4</sup>11 cubic metres]].
- (3) If the chief inspector is satisfied that, owing to the special conditions under which the work is carried on in any workroom in which explosive materials are manufactured or handled, the application of subsection (2) of this section to that workroom would be inappropriate or unnecessary, he may by certificate except the workroom from that subsection subject to any conditions specified in the certificate.
- (4) ..... F5

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- (5) In calculating for the purposes of this section the amount of cubic space in any room no space more than [<sup>F4</sup>4.2 metres] from the floor shall be taken into account and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.
- (6) Unless the inspector for the district otherwise allows, there shall be posted in the workroom a notice specifying the number of persons who, having regard to the provisions of this section, may be employed in that room.

**Textual Amendments**

- F3** S. 2 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt. I** (with reg. 27(2)).
- F4** Words substituted by S.I. 1983/978, regs. 3, 4, **Sch. 1**
- F5** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

[<sup>F6</sup>3 **Temperature.** **E+W+S**

- (1) Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom, but no method shall be employed which results in the escape into the air of any workroom of any fume of such a character and to such extent as to be likely to be injurious or offensive to persons employed therein.
- (2) In every workroom in which a substantial proportion of the work is done sitting and does not involve serious physical effort a temperature of less than [<sup>F7</sup>16 degrees Celsius]] shall not be deemed, after the first hour, to be a reasonable temperature while work is going on, and at least one thermometer shall be provided and maintained in a suitable position in every such workroom.
- (3) . . . . . <sup>F8</sup>

**Textual Amendments**

- F6** S. 3 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt. I** (with reg. 27(2)).
- F7** Words substituted (with saving) by S.I. 1983/978, regs. 3, 4, **Sch. 1**
- F8** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

[<sup>F9</sup>4 **Ventilation.** **E+W+S**

- (1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room . . . <sup>F10</sup>
- (2) . . . . . <sup>F11</sup>]

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**Textual Amendments**  
**F9** S. 4 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).  
**F10** Words repealed by S.I. 1988/1657, reg. 19(1), **Sch. 8 Pt. II**  
**F11** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

[<sup>F125</sup> **Lighting.** **E+W+S**

- (1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.
- (2) ..... <sup>F13</sup>
- (3) Nothing in the foregoing provisions of this section or in any regulations made thereunder shall be construed as enabling directions to be prescribed or otherwise given as to whether any artificial lighting is to be produced by any particular illuminant.
- (4) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction; but this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.]

**Textual Amendments**  
**F12** S. 5 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt. I** (with reg. 27(2)).  
**F13** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

[<sup>F146</sup> **Drainage of floors.** **E+W+S**

Where any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.]

**Textual Amendments**  
**F14** S. 6 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

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[<sup>F15</sup>7 **Sanitary Conveniences.** **E+W+S**

(1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting them and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there) the conveniences shall afford proper separate accommodation for persons of each sex.

(2) .....<sup>F16</sup>]

**Textual Amendments**

**F15** S. 7 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

**F16** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

8 .....<sup>F17</sup> **E+W+S**

**Textual Amendments**

**F17** Ss. 8, 153(2) repealed by S.I. 1977/746, **Sch. 3**

9, 10. ....<sup>F18</sup> **E+W+S**

**Textual Amendments**

**F18** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

[<sup>F19</sup>10A **E+W+S**

(1) If an employment medical adviser is of opinion that there ought, on grounds mentioned in subsection (2) below, to be a medical examination of a person or persons employed in a factory, he may serve on the occupier of the factory a written notice stating that he is of that opinion and requiring that the occupier shall permit a medical examination in accordance with this section of the person or persons in question, and the examination shall be permitted accordingly.

(2) The grounds on which a medical examination of a person may be required by an employment medical adviser's notice under subsection (1) above are that (in the adviser's opinion) the person's health has been or is being injured, or it is possible that it has been, is being or will be injured, by reason of the nature of the work he is or has been called upon to do or may (to the adviser's knowledge) be called upon to do;

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and a notice under that subsection may be given with respect to one or more named persons or to persons of a class or description specified in the notice.

- (3) A notice under subsection (1) above shall name the place where the medical examination is to be conducted and, if it is a place other than the factory, the day on which and the time at which it is to be begun; and—
  - (a) every person to whom the notice relates shall be informed, as soon as practicable after service thereof, of the contents thereof and of the fact that he is free to attend for the purpose of submitting to the examination; and
  - (b) if the notice states that the examination is to be conducted at the factory, suitable accommodation thereat shall be provided for the conduct of the examination.
- (4) A medical examination conducted in pursuance of a notice under subsection (1) above shall be begun within seven days after the day on which the notice is served, and shall be conducted by, or in accordance with arrangements made by, an employment medical adviser, and take place at a reasonable time during working hours.
- (5) An employment medical adviser may, by written notice served on the occupier of a factory, cancel a notice served on the occupier under subsection (1) above; and a notice which relates to two or more named persons may be cancelled either in relation to them all or in relation to any one or more of them.
- (6) In this section, “medical examination” includes pathological, physiological and radiological tests and similar investigations.]

**Textual Amendments**  
**F19** S. 10A inserted by [Employment Medical Advisory Service Act 1972 \(c. 28\), s. 3](#)

[<sup>F20</sup>11 **Power to require medical supervision.** E+W+S

- (1) Where it appears to the Minister—
  - (a) that in any factory or class or description of factory—
    - (i) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work; or
    - (ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process; or
    - (iii) .....<sup>F21</sup>
  - (b) that there may be risk of injury to the health of persons employed in a factory—
    - (i) from any substance or material brought to the factory to be used or handled therein; or
    - (ii) from any change in the conditions of work or other conditions in the factory;

he may make special regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of the persons, or any class

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of the persons, employed at that factory or class or description of factory as may be specified in the regulations.

- (2) Where the Minister proposes to exercise his powers under this section in relation to a particular factory and for a limited period, he may exercise those powers by order instead of by special regulations, and any such order shall, subject to subsection (3) of this section, cease to have effect at the expiration of such period not exceeding six months from the date when it comes into operation as may be specified in the order.
- (3) The Minister may by subsequent order or orders extend the said period, but if the occupier of the factory by notice in writing to him objects to any such extension, the original order shall cease to have effect as from one month after the service of the notice, without prejudice to the making of special regulations in relation to the factory.]

**Textual Amendments**

**F20** S. 11 repealed by S.I. 1974/1941, reg. 7, Sch. 1 except in so far as it enables orders to be made otherwise than by statutory instrument

**F21** S. 11(1)(a)(iii) repealed by Employment Act 1989 (c. 38, SIF 43:1), ss. 10(1)(b), 29(4), Sch. 3 Pt. II, Sch. 7 Pt II

**Modifications etc. (not altering text)**

**C7** Reference to Minister in s. 11(2) to be construed as reference to the Health and Safety Executive: S.I. 1974/1941, reg. 7, Sch. 1

**PART II E+W+S**

**SAFETY (GENERAL PROVISIONS)**

**F22** 12 ..... **E+W+S**

**Textual Amendments**

**F22** S. 12 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), Sch. 2 Pt.I (with reg. 27(2)).

**F23** 13 ..... **E+W+S**

**Textual Amendments**

**F23** S. 13 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), Sch. 2 Pt.I (with reg. 27(2)).

**F24** 14 ..... **E+W+S**

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**Textual Amendments**

**F24** S. 14 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F25</sup>**15** ..... **E+W+S**

**Textual Amendments**

**F25** S. 15 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F26</sup>**16** ..... **E+W+S**

**Textual Amendments**

**F26** S. 16 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F27</sup>**17** ..... **E+W+S**

**Textual Amendments**

**F27** S. 17 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F28</sup>**18** **Dangerous substances.** **E+W+S**

- (1) Every fixed vessel, structure, sump or pit of which the edge is less than [<sup>F29</sup>920 millimetres]] above the highest ground or platform from which a person might fall into it shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least [<sup>F29</sup>920 millimetres] above that ground or platform, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.
- (2) Where any fixed vessel, structure, sump or pit contains any scalding, corrosive or poisonous liquid but is not securely covered, no ladder, stair or gangway shall be placed above, across or inside it which is not—
  - (a) at least [<sup>F29</sup>460 millimetres] wide, and
  - (b) securely fenced on both sides to a height of at least [<sup>F29</sup>920 millimetres] and securely fixed.
- (3) Where any such vessels, structures, sump or pits as are mentioned in subsection (2) of this section adjoin, and the space between them, clear of any surrounding brick or



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other work, is less than [<sup>F29</sup>460 millimetres] in width or is not securely fenced on both sides to a height of at least [<sup>F29</sup>920 millimetres], secure barriers shall be so placed as to prevent passage between them.

(4) For the purposes of this section a ladder, stair or gangway shall not be deemed to be securely fenced unless it is provided either with sheet fencing or with an upper and a lower rail and toe boards.

(5) ..... <sup>F30</sup>

**Textual Amendments**

**F28** S. 18 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

**F29** Words substituted by S.I. 1983/978, regs. 3, 4, **Sch. 1**

**F30** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

<sup>F31</sup>**19** ..... **E+W+S**

**Textual Amendments**

**F31** S. 19 repealed (1.1.1993 to certain extent and 1.1.1997 fully in force) by S.I. 1992/2932, regs. 1(2)(3), 2, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

<sup>F32</sup>**20** ..... **E+W+S**

**Textual Amendments**

**F32** S. 20 repealed (3.3.1997) by S.I. 1997/135, reg. 3, **Sch. Pt. I**

<sup>F33</sup>**21** ..... **E+W+S**

**Textual Amendments**

**F33** S. 21 repealed (3.3.1997) by S.I. 1997/135, reg. 3, **Sch. Pt. I**

<sup>F34</sup>**22** ..... **E+W+S**

**Textual Amendments**

**F34** S. 22 repealed (5.12.1998) by S.I. 1998/2307, **reg. 15**

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<sup>F35</sup>**23** ..... **E+W+S**

**Textual Amendments**  
**F35** S. 23 repealed (5.12.1998) by S.I. 1997/1713, reg. 15

**24** **Teagle openings and similar doorways.** **E+W+S**

<sup>F36</sup> .....

**Textual Amendments**  
**F36** S. 24 repealed (6.4.2005) by The Work at Height Regulations 2005 (S.I. 2005/735), reg. 18

<sup>F37</sup>**25** ..... **E+W+S**

**Textual Amendments**  
**F37** S. 25 repealed (5.12.1998) by S.I. 1998/2307, reg. 15

<sup>F38</sup>**26** ..... **E+W+S**

**Textual Amendments**  
**F38** S. 26 repealed (5.12.1998) by S.I. 1998/2307, reg. 15

<sup>F39</sup>**27** ..... **E+W+S**

**Textual Amendments**  
**F39** S. 27 repealed (5.12.1998) by S.I. 1998/2307, reg. 15

[<sup>F40</sup>**28** **Floors, passages and stairs.** **E+W+S**

- (1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall, so far as is reasonably practicable, be kept free from any obstruction and from any substance likely to cause persons to slip.
- (2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which, if the staircase has an open side, shall be on that side, and in the case of a staircase having two open sides or of a staircase which, owing to the nature of its construction or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides.

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- (3) Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.
- (4) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.
- (5) All ladders shall be soundly constructed and properly maintained.]

**Textual Amendments**

**F40** S. 28 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt. I** (with reg. 27(2)).

**[<sup>F41</sup>29 Safe means of access and safe place of employment. E+W+S**

- (1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work, and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there.
- (2) Where any person has to work at a place from which he will be liable to fall a distance more than [<sup>F42</sup>metres]], then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise, for ensuring his safety.

**Textual Amendments**

**F41** S. 29 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).  
**F42** Words substituted by S.I. 1983/978, regs. 3, 4, **Sch. 1**

**<sup>F43</sup>30 ..... E+W+S**

**Textual Amendments**

**F43** S. 30 repealed (28.1.1998) by S.I. 1997/1713, **reg. 9(1)**

**31 Precautions with respect to explosive or inflammable dust, gas, vapour or substance. E+W+S**

- (1) Where, in connection with any grinding, sieving, or other process giving rise to dust, there may escape dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of any dust that may escape in spite of the enclosure, and by exclusion or effective enclosure of possible sources of ignition.
- (2) Where there is present in any plant used in any such process as aforesaid dust of such a character and to such an extent as to be liable to explode on ignition, then, unless

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents, or other equally effective appliances.

- (3) Where any part of a plant contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions:—

- (a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise;
- (b) before any such fastening is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure;

and if any such fastening has been loosened or removed, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured or, as the case may be, securely replaced; but nothing in this subsection applies to a plant installed in the open air.

- (4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected—

- (a) to any welding, brazing or soldering operation;
- (b) to any cutting operation which involves the application of heat; or
- (c) to any operation involving the application of heat for the purpose of taking apart or removing the plant, tank or vessel or any part of it;

until all practicable steps have been taken to remove the substance and any fumes arising from it, or to render them non-explosive or non-inflammable; and if any plant, tank or vessel has been subjected to any such operation, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

- (5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (3) and (4) of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

**[<sup>F44</sup>32 Steam boilers—attachments and construction. E+W+S**

- (1) Subject to subsection (3) of this section, every steam boiler, whether separate or one of a range,—

- (a) shall have attached to it the devices mentioned in subsection (2) of this section;
- (b) shall be provided with means for attaching a test pressure gauge; and
- (c) shall, unless externally fired, be provided with a suitable fusible plug or an efficient low-water alarm device.

- (2) The devices referred to in subsection (1) of this section are—

- (a) a suitable safety valve, separate from any stop-valve, which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler;
- (b) a suitable stop-valve connecting the boiler to the steam pipe;

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- (c) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler . . . <sup>F45</sup>, and have marked on it in a distinctive colour the maximum permissible working pressure;
  - (d) at least one water gauge of transparent material or other type approved by the chief inspector to show the water level in the boiler, together, if the gauge is of the glass tubular type and the working pressure of the boiler normally exceeds [<sup>F46</sup>2.75 bars,] with an efficient guard provided so as not to obstruct the reading of the gauge;
  - (e) where the boiler is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible.
- (3) Paragraph (b) of subsection (2) of this section shall not apply with respect to economisers, and paragraphs (c), (d) and (e) of that subsection and paragraphs (b) and (c) of subsection (1) of this section shall not apply with respect to either economisers or superheaters
- (4) For the purposes of the foregoing provisions of this section, a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.
- (5) Every part of every steam boiler shall be of good construction, sound material and adequate strength, and free from patent defect.]

#### Textual Amendments

**F44** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, Sch. 6 Pt. 1

**F45** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1

**F46** Words substituted by S.I. 1974/1941, Sch. 2 para. 3

#### [<sup>F47</sup>33 Steam boilers—maintenance, examination and use. **E+W+S**

- (1) Every steam boiler and all its fittings and attachments shall be properly maintained.
- (2) A steam boiler shall not be used in any factory unless it has been examined, together with its fittings and attachments, in such manner as the Minister may by [<sup>F48</sup>regulations] prescribe and no greater period than may be so prescribed has elapsed since the examination, but the regulations may provide for extending in special circumstances the time during which a boiler which has been examined as required by the regulations may be used in a factory without being again so examined.
- (3) The Minister may by special regulations prescribe the manner in which a steam boiler, together with its fittings and attachments, is to be examined after any such repairs as may be specified in the regulations; and where such repairs are carried out to a steam boiler after it has been examined under subsection (2) of this section, then, notwithstanding that the period prescribed under that subsection has not expired, the steam boiler shall not be used in any factory until the examination prescribed under this subsection has been made.
- (4) A report of the result of every examination under this section in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall as soon as practicable and in any case within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after

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the completion of the examination, be entered in or attached to the general register, and the report shall be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer.

- (5) No new steam boiler shall be taken into use unless there has been obtained from the manufacturer of the boiler, or from a boiler-inspecting company or association, a certificate specifying its maximum permissible working pressure, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.
- (6) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.
- (7) The person making the report of an examination under this section or, in the case of a boiler-inspecting company or association, the chief engineer thereof, shall within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after the completion of the examination send to the inspector for the district a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.
- (8) If the person employed to make any such examination fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence . . . <sup>F49</sup>, and if any such person or chief engineer fails to send to the inspector for the district a copy of any report as required by subsection (7) of this section, he shall be guilty of an offence.
- (9) If the chief inspector is not satisfied as to the competency of the person employed to make the examination or as to the thoroughness of the examination, he may require the boiler to be re-examined by a person nominated by him, and the occupier shall give the necessary facilities for the re-examination.
- (10) If as a result of the re-examination it appears that the report of the examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.
- (11) Any sum recoverable under subsection (10) of this section shall, in England and Wales, be recoverable summarily as a civil debt.]

#### Textual Amendments

**F47** S. 33 repealed (1.7.1994) (with saving for s. 33(6)) by S.I. 1989/2169, regs. 1, 26, 27, Sch. 1 Pt. III para. 1, Sch. 6 Pt. I

**F48** Word substituted by virtue of S.I. 1974/1941, Sch. 2 para. 2

**F49** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1

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**Modifications etc. (not altering text)**

- C8** Ss. 33(2)(3)(4), 33(7)(8), 35(6), 36(5) excluded by S.I. 1989/2169, regs. 1, 27, **Sch. 1 Pt II paras. 2–5**
- C9** S. 33(6) excluded by S.I. 1989/2169, regs. 1, 27, **Sch. 1 Pt II paras. 2–5**, Pt. III para. 1

<sup>F50</sup>**34** ..... **E+W+S**

**Textual Amendments**

- F50** S. 34 repealed (21.2.2000) by S.I. 2000/128 reg. 18

<sup>F51</sup>**35** ..... **E+W+S**

**Textual Amendments**

- F51** Ss. 32,35,36, 125,127() repealed (1.7.1994) by S.I. 1989/2169 reg. 26, Sch. 6 Pt. I; s. 35 expressed to be repealed (21.2.2000) by S.I. 2000/128, **reg. 18**

[<sup>F52</sup>**36** **Air receivers.** **E+W+S**  
.....]

**Textual Amendments**

- F52** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, **Sch. 6 Pt. I**; s. 36 expressed to be repealed (21.2.2000) by S.I. 2000/128, **reg. 18**

<sup>F53</sup>**37** . **E+W+S**  
.....

**Textual Amendments**

- F53** S. 37 repealed (21.2.2000) by S.I. 2000/128, **reg. 18**

<sup>F54</sup>**38** . **E+W+S**  
.....

**Textual Amendments**

- F54** S. 38 repealed (21.2.2000) by S.I. 2000/128, **reg. 18**

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**39      Precautions as respects water-sealed gasholders. E+W+S**

- (1) Every gasholder shall be of sound construction and shall be properly maintained.
- (2) Every gasholder shall be thoroughly examined externally by a competent person at least once in every period of two years, and a record containing the prescribed particulars of every such examination shall be <sup>F55</sup>kept available for inspection.]
- (3) In the case of a gasholder of which any lift has been in use for more than twenty years, the internal state of the sheeting shall at least once in every period of ten years, be examined by a competent person by cutting samples from the crown and sides of the holder or by other sufficient means and all samples so cut and a report on every such examination signed by the person making it shall be kept available for inspection.
- (4) A record signed by the occupier of the factory or by a responsible official authorised in that behalf showing the date of the construction, as nearly as it can be ascertained, of the oldest lift of every gasholder in the factory shall be kept available for inspection.
- (5) Where there is more than one gasholder in the factory, every gasholder shall be marked in a conspicuous position with a distinguishing number or letter.
- (6) No gasholder shall be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.
- (7) In this section “gas holder” means a water-sealed gasholder which has a storage capacity of not less than <sup>F56</sup>140 cubic metres].

**Textual Amendments**  
**F55** Words in s. 39(2) substituted (6.4.2009) by [The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 \(Repeals and Modifications\) Regulations 2009 \(S.I. 2009/605\)](#), regs. 1, **4(1)**  
**F56** Words substituted by [S.I. 1983/978](#), regs. 3, 4, **Sch. 1**

**40—** ..... <sup>F57</sup> E+W+S  
**52.**

**Textual Amendments**  
**F57** [Ss. 40–52, 120, 140\(2\), 148, 165](#), repealed by [S.I. 1976/2004](#), **Sch.**

**53—** ..... <sup>F58</sup> E+W+S  
**55.**

**Textual Amendments**  
**F58** [Ss. 1\(5\), 2\(4\), 3\(3\), 4\(2\), 5\(2\), 7\(2\), 9, 10, 14\(3\)\(4\)\(6\), 17\(3\)–\(5\), 18\(5\)\(6\), 25\(4\), 53–55, 58\(2\)–\(4\), 59\(2\)\(3\), 62, 66, 70, 71, 72\(2\), 73\(2\), 76, 81, 83, 121\(7\), 122\(6\), 124\(2\)\(3\), 129\(1\), 134, 137\(5\), 142, 145, 149, 150, 153\(3\), 159, 164\(3\), 174\(2\), 177, 179, 180\(5\)\(7\)\(8\)\(10\), 181\(2\), 182\(5\)\(6\)](#), [Schs. 3, 4](#) repealed by [S.I. 1974/1941](#), reg. 7, **Sch. 1**



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**56 Application of Part II to Scotland. E+W+S**

In the application of this Part of this Act to Scotland, for any reference to a magistrates' court there shall be substituted a reference to the sheriff, for any reference to a complaint a reference to a summary application, . . . <sup>F59</sup>

**Textual Amendments**

**F59** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1

**PART III E+W+S**

WELFARE (GENERAL PROVISIONS)

[<sup>F60</sup>57 **Supply of drinking water. E+W+S**

- (1) There shall be provided and maintained at suitable points conveniently accessible to all persons employed an adequate supply of wholesome drinking water from a public main or from some other source approved in writing by the district council.
- (2) A supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the water and vessels from contamination; and a drinking water supply (whether laid on or not) shall, in such cases as the inspector for the district may direct, be clearly marked "Drinking Water".
- (3) Except where the water is delivered in an upward jet from which employed persons can conveniently drink, one or more suitable cups or drinking vessels shall be provided at each point of supply with facilities for rinsing them in drinking water.
- (4) The approval required under subsection (1) of this section shall not be withheld except on the ground that the water is not wholesome.]

**Textual Amendments**

**F60** S. 57 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), Sch. 2 Pt.I (with reg. 27(2)).

[<sup>F61</sup>58 **Washing facilities. E+W+S**

- (1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing which shall include a supply of clean running hot and cold or warm water and, in addition, soap and clean towels or other suitable means of cleaning or drying; and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.
- (2) . . . . . <sup>F62</sup>]

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#### Textual Amendments

- F61** S. 58 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).
- F62** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

#### [<sup>F63</sup>59 Accommodation for clothing. **E+W+S**

- (1) There shall be provided and maintained for the use of employed persons adequate and suitable accommodation for clothing not worn during working hours; and such arrangements as are reasonably practicable or, when a standard is prescribed, such arrangements as are laid down thereby shall be made for drying such clothing.
- (2) ..... <sup>F64</sup>]

#### Textual Amendments

- F63** S. 59 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt. I** (with reg. 27(2)).
- F64** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

#### [<sup>F65</sup>60 Sitting facilities. **E+W+S**

- (1) Where any employed persons have in the course of their employment reasonable opportunities for sitting without detriment to their work, there shall be provided and maintained for their use suitable facilities for sitting sufficient to enable them to take advantage of those opportunities.
- (2) Where a substantial proportion of any work can properly be done sitting—
- (a) there shall be provided and maintained for any employed person doing that work a seat of a design, construction and dimensions suitable for him and the work, together with a foot-rest on which he can readily and comfortably support his feet if he cannot do so without a foot-rest, and
  - (b) the arrangements shall be such that the seat is adequately and properly supported while in use for the purpose for which it is provided.
- (3) For the purposes of subsection (2) of this section the dimensions of a seat which is adjustable shall be taken to be its dimensions as for the time being adjusted.]

#### Textual Amendments

- F65** S. 60 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

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61 ..... <sup>F66</sup> **E+W+S**

**Textual Amendments**

**F66** S. 61 repealed (with saving) by S.I. 1981/917, reg. 7, **Sch. 1**

62 ..... <sup>F67</sup> **E+W+S**

**Textual Amendments**

**F67** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**PART IV U.K.**

HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

*Special provisions*

63, 64. .... <sup>F68</sup> **E+W+S**

**Textual Amendments**

**F68** Ss. 63, 64, 67, 77, 78, repealed by S.I. 1988/1657, reg. 19(1), **Sch. 8 Pt. II**

<sup>F69</sup>65 ..... **E+W+S**

**Textual Amendments**

**F69** S. 65 repealed (1.1.1993) by S.I. 1992/2966, **reg. 14(2)**.

66 ..... <sup>F70</sup> **E+W+S**

**Textual Amendments**

**F70** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

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67 .....<sup>F71</sup> **E+W+S**

**Textual Amendments**  
**F71** Ss. 63, 64, 67, 77, 78, repealed by S.I. 1988/1657, reg. 19(1), **Sch. 8 Pt. II**

<sup>F72</sup>68 ..... **E+W+S**

**Textual Amendments**  
**F72** S. 68 repealed (1.1.1997) by S.I. 1996/3022, reg. 2, **Sch. Pt. I**

[<sup>F73</sup>69 **Underground rooms.** **E+W+S**

- (1) The inspector for the district may certify any underground room as unsuitable for work other than work involved in the use of the room for the purpose of storage or such other purpose as the Minister may by order specify, and where such a certificate is in force with respect to any room no work for which it is certified as unsuitable shall be carried on in it.
- (2) Where the inspector certifies as unsuitable any room which is in actual use, he shall suspend the operation of the certificate for such period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.
- (3) Except in the case of a room which on the first day of July, nineteen hundred and thirty-eight was part of a factory (within the meaning of the <sup>M1</sup>Factories Act 1937, as originally enacted) and was used for work for which it may be certified as unsuitable under this section, the occupier of an underground room—
  - (a) shall, before the room is used for work for which it may be certified as unsuitable under this section, give notice in the prescribed form and containing the prescribed particulars to the inspector for the district; and
  - (b) shall not use the room for any such process as may be prescribed, being a process of a hot, wet or dusty nature or which is liable to give off any fume, without the consent in writing of the inspector for the district.
- (4) If the occupier is aggrieved by any decision of an inspector under this section, he may, within twenty-one days of the date of issue of the certificate or the refusal of the consent, as the case may be, appeal to a magistrates' court, or, in Scotland, the sheriff, and, pending the final determination of an appeal against a decision under subsection (1) of this section in the case of a room in actual use, no offence shall be deemed to be committed under that subsection in respect of the room to which the appeal relates.
- (5) In this section—
 

“underground room” means any room which, or any part of which, is so situate that at least half its height, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room; and

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“unsuitable” means unsuitable as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided.

(6) Any certificate issued under this section may be withdrawn by the inspector for the district if such alterations are made as in his opinion to render the room suitable.]

**Textual Amendments**

**F73** S. 69 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27(1), **Sch. 2 Pt.I** (with reg. 27(2)).

**Modifications etc. (not altering text)**

**C10** Reference to Minister in s. 69(1), in so far as it enables orders to be made otherwise than by statutory instrument, to be construed as reference to the Health and Safety Executive: S.I. 1974/1941, reg. 7, **Sch. 1**

**Marginal Citations**

**M1** 1937 c. 67.

70, 71. .... <sup>F74</sup> **E+W+S**

**Textual Amendments**

**F74** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

<sup>F75</sup>72 ..... **E+W+S**

**Textual Amendments**

**F75** S. 72 repealed (1.1.1993) by S.I. 1992/2793, reg. 8(1), **Sch. 2 Pt.I**.

73 **E+W+S**

(1) ..... <sup>F76</sup>

(2) ..... <sup>F77</sup>

**Textual Amendments**

**F76** S. 73(1) repealed by **Employment Act 1989** (c. 38, SIF 43:1), ss. 10(1)(b), 29(4), Sch. 3 Pt. I, **Sch. 7 Pt. II**

**F77** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142,

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

<sup>F78</sup>74 ..... **E+W+S**

**Textual Amendments**

**F78** S. 74 repealed (1.4.1998) by S.I. 1998/543, **reg. 14(1)**

75 ..... <sup>F79</sup> **E+W+S**

**Textual Amendments**

**F79** S. 75 repealed by S.I. 1980/1248, **Sch. 1**

76 ..... <sup>F80</sup> **E+W+S**

**Textual Amendments**

**F80** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

*Supplementary provisions*

77, 78. .... <sup>F81</sup> **U.K.**

**Textual Amendments**

**F81** Ss. 63, 64, 67, 77, 78, repealed by S.I. 1988/1657, reg. 19(1), **Sch. 8 Pt. II**

<sup>F82</sup>79 ..... **E+W+S**

**Textual Amendments**

**F82** S. 79 repealed (10.9.1992) by S.I. 1992/1811, **reg. 6(7)**.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

## PART V **E+W+S**

### NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

80 .....<sup>F83</sup> **E+W+S**

#### Textual Amendments

**F83** S. 80 repealed by S.I. 1980/804, reg. 13, **Sch. 5 Pt. I**

81 .....<sup>F84</sup> **E+W+S**

#### Textual Amendments

**F84** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

82 .....<sup>F85</sup> **E+W+S**

#### Textual Amendments

**F85** S. 82 repealed by S.I. 1985/2023, reg. 13, **Sch. 7 Pt. I**

83 .....<sup>F86</sup> **E+W+S**

#### Textual Amendments

**F86** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

84 .....<sup>F87</sup> **E+W+S**

#### Textual Amendments

**F87** Ss. 84, 164(4) repealed except in relation to investigations commenced before 1.1.75 by S.I. 1974/1941, reg. 7, **Sch. 1**

85 .....<sup>F88</sup> **E+W+S**

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

**Textual Amendments**

**F88** Ss. 85, 118, 151, 152, 184(2) repealed by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), [Sch. 3](#)

**PART VI E+W+S**

**EMPLOYMENT OF WOMEN AND YOUNG PERSONS**

**86—** ..... **F89 E+W+S**  
**94.**

**Textual Amendments**

**F89** Ss. 86–94, 96–109, 112–116, repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 10(1)(a), 29(4), [Sch. 3 Pt. I](#), [Sch. 7 Pt. II](#)

**95** ..... **F90 E+W+S**

**Textual Amendments**

**F90** Ss. 95, 110–111 repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), s. 9(2), [Sch. Pt. III](#)

**96—** ..... **F91 E+W+S**  
**109.**

**Textual Amendments**

**F91** Ss. 86–94, 96–109, 112–116, repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 10(1)(a), 29(4), [Sch. 3 Pt. I](#), [Sch. 7 Pt. II](#)

**110—** ..... **F92 E+W+S**  
**111.**

**Textual Amendments**

**F92** Ss. 95, 110–111 repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), s. 9(2), [Sch. Pt. III](#)

**112—** ..... **F93 E+W+S**  
**116.**



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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

**Textual Amendments**

**F93** Ss. 86–94, 96–109, 112–116, repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 10(1)(a), 29(4), Sch. 3 Pt. I, **Sch. 7 Pt. II**

*Exemptions in interest of efficiency of industry or transport*

**117 Exemptions from provisions regulating hours of employment. E+W+S**

- (1) Where the Minister is satisfied, on an application made to him in that behalf, that it is desirable in the public interest to do so for the purpose of maintaining or increasing the efficiency of industry . . . <sup>F94</sup>, he may, after such consultations as he may think appropriate or as may be required under subsection (5) of this section, exempt the employment of persons [<sup>F95</sup>(other than children)] from . . . <sup>F94</sup>,—
  - (a) . . . . . <sup>F96</sup>
  - (b) . . . . . <sup>F97</sup>(0 <sup>F97</sup> the <sup>M2</sup>Hours of Employment (Conventions) Act 1936.
- (2) An exemption granted under this section may extend to the employment of persons generally, of a class of persons or of particular persons, and to employment generally, or any class of employment or particular employment, and may be granted to such extent and on such conditions as may be specified in the instrument by which it is granted and, subject to subsection (4) of this section, either indefinitely or for such period as may be so specified.
- (3) An exemption under this section extending only to particular persons or a particular employment or to a class of persons or employment defined by reference to particular premises or to work supervised from particular premises, and any exemption under this section for a particular day or particular days only, shall be granted by order, to be known as a special exemption order, and any other exemption under this section shall be granted by [<sup>F98</sup>regulations,] to be known as general exemption regulations.
- (4) An exemption granted by a special exemption order shall not be for more than one year, without prejudice however to the granting of the like exemption for further periods by further special exemption orders.
- (5) The Minister shall not make general exemption regulations except—
  - (a) on the application of a joint industrial council, conciliation board or other similar body constituted by organisations which appear to him to be representative respectively of workers and employers concerned; or
  - <sup>F99</sup>(b) . . . . .
  - (c) on the joint application of an organisation which appears to him to be representative of employers concerned and of an organisation which appears to him to be representative of workers concerned; or
  - (d) on the application of an organisation which appears to him to be representative of employers concerned and after consulting an organisation which appears to him to be representative of workers concerned; or
  - (e) on the application of an organisation which appears to him to be representative of workers concerned and after consulting an organisation which appears to him to be representative of employers concerned.

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

- (6) The Minister shall publish in the London Gazette such particulars of special exemption orders as he considers appropriate.
- (7) In this section “organisation” includes—
  - (a) in relation to workers, an association of trade unions, and
  - (b) in relation to employers, an association of organisations of employers and also any body established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking;
 and “trade union” includes an association of trade unions.

**Textual Amendments**

**F94** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 1 Pt. III**

**F95** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 10(2), **Sch. 3 Pt. III para. 14**

**F96** 117(1)(a) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 7 Pt. II**

**F97** Paragraph (b) and “(c)” repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 1 Pt. III**

**F98** Word substituted by virtue of [S.I. 1974/1941](#), **Sch. 2 para. 2**

**F99** [S. 117\(5\)\(b\)](#) repealed (30.8.1993) by [Trade Union Reform and Employment Rights Act 1993 \(c. 19\)](#), s. 51, **Sch.10**; [S.I. 1993/1908](#), art. 2(1), **Sch.1** Table

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**Modifications etc. (not altering text)**

**C11** Reference to Minister in s. 117, in so far as it enables orders to be made otherwise than by statutory instrument, to be construed as reference to the Health and Safety Executive: [S.I. 1974/1941](#), reg. 7, **Sch. 1**

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**Marginal Citations**

**M2** [1936 c. 22](#).

*Certificate of fitness for employment of young persons*

118 ..... <sup>F100</sup> **E+W+S**

**Textual Amendments**

**F100** [Ss. 85, 118, 151, 152, 184\(2\)](#) repealed by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), **Sch. 3**

119 **Power of inspector to require certificate of fitness for work.** **E+W+S**

Where an inspector is of opinion that the employment of a young person in a factory or in a particular process or kind of work in a factory is prejudicial to his health or the health of other persons, he may serve written notice on the occupier of the factory informing him thereof and requiring that the employment of that young person in the factory or in the process or kind of work, as the case may be, be discontinued after the period named in the notice (which shall not be less than one nor more than seven days after the service of the notice) and the occupier shall not continue after that period to employ the young person . . . <sup>F101</sup> unless the appointed factory doctor [<sup>F102</sup> or an employment medical adviser] has, after the service of the notice, personally examined

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the young person and certified that he is fit for employment in the factory or in the process or kind of work, as the case may be.

**Textual Amendments**

**F101** Words repealed by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), **Sch. 3**

**F102** Words inserted by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), **Sch. 2**

**119A Duty of factory occupier to give notice of employment of a young person.** **E+W+S**  
**+S**

**F103** .....

**Textual Amendments**

**F103** [S. 119A](#) repealed (3.5.1997) by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), ss. 10(1)(b), 29(4), [Sch. 3 Pt. II](#), **Sch. 7 Pt. III**; [S.I. 1997/134](#), **art. 2**

**PART VII E+W+S**

**SPECIAL APPLICATIONS AND EXTENSIONS**

*Factories occupying parts of buildings*

**120** ..... **F104 E+W+S**

**Textual Amendments**

**F104** [Ss. 40–52, 120, 140\(2\), 148, 165](#), repealed by [S.I. 1976/2004](#), **Sch.**

**121 Tenement factories—other provisions.** **E+W+S**

(1) Subject to the following provisions of this section, the owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be responsible for any contravention of the following provisions of this Act, that is to say—

- (a) the provisions of Part I with respect to the drainage of floors, sanitary conveniences, cleanliness, overcrowding, temperature, ventilation and lighting;
- (b) the provisions of Part II with respect to the provision and maintenance of fencing and safety appliances, the construction, maintenance, testing and examination of machinery or plant, the construction and maintenance of floors, passages and stairs, . . . <sup>F105</sup>;
- (c) the provisions of Part III;
- (d) ..... <sup>F106</sup>
- (e) the provisions of Part V;
- (f) ..... <sup>F107F108</sup> . . .

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- F109(g) .....  
and for the purposes of those provisions the whole of a tenement factory shall be deemed to be one factory in the occupation of the owner.
- (2) Subsection (1) of this section does not apply to any contravention arising from the use in a tenement of any fencing, appliances, machinery or plant, if the use is a matter outside the control of the owner.
- (3) Subsection (1) of this section does not apply to a contravention in rooms occupied by only one tenant—
- (a) of the provisions of Part I with respect to cleanliness, overcrowding, temperature, ventilation and lighting; or
  - (b) ..... F106
- unless the contravention arises from a failure to carry out any necessary structural work or from any defect in any machinery, plant or fixtures belonging to the owner; and does not apply to a contravention in any such room of the provisions of Part V.
- (4) Subsection (1) of this section does not apply to a contravention of the provisions of Part III unless it arises from any such failure or defect as is mentioned in subsection (3) of this section.
- (5) ..... F110
- (6) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, apply to any part of a tenement factory which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.
- (7) ..... F111

**Textual Amendments**

**F105** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1

**F106** S. 121(1)(d)(3)(b) repealed by S.I. 1988/1657, reg. 19(1)(b), Sch. 8 Pt. II

**F107** Words repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), Sch. 7 Pt. II

**F108** Word in s. 121(1)(f) repealed (1.1.1996) by S.I. 1995/2923, reg. 3(1), Sch. Pt. I

**F109** S. 121(1)(g) repealed (1.1.1996) by S.I. 1995/2923, reg. 3(1), Sch. Pt. I

**F110** Ss. 121(5), 126(2)(f) repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), Sch. 7 Pt. II

**F111** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, Sch. 1

**122 Parts of buildings let off as separate factories—other provisions. E+W+S**

- (1) Where a part of a building is let off as a separate factory but is not part of a tenement factory,—
- (a) the provisions of this Act specified in paragraphs (a) and (b) of subsection (2) of this section shall apply to any part of the building used for the purposes of the factory but not comprised therein;

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

- (b) subject to subsections (4) and (5) of this section, the owner of the building shall be responsible for any contravention of the provisions specified in the said paragraph (a) as so applying; and
  - (c) subject to subsection (5) of this section, the owner of the building shall be responsible, instead of the occupier, for any contravention as respects the factory, of the provisions specified in paragraph (c) of subsection (2) of this section.
- (2) The said provisions are—
- (a) the provisions of Part I with respect to cleanliness and lighting, and the provisions of Part II with respect to prime movers, transmission machinery, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, the construction and maintenance of floors, passages and stairs, the keeping free from obstruction and slippery substances of floors, steps, stairs, passages and gangways, [<sup>F112</sup>and with respect to steam boilers, steam receivers and steam containers, and air receivers];
  - (b) .....<sup>F113</sup>
  - (c) the provisions of Part I with respect to sanitary conveniences and the provisions of Part II with respect to hoists and lifts.
- (3) For the purposes of the provisions applied by the foregoing provisions of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building, but any lifting machine not used for the purposes of the factory, and any chains, ropes or lifting tackle not used in connection with a lifting machine so used, shall be disregarded.
- (4) For any contravention (whether as respects the factory or otherwise) of the provisions of Part II with respect to chains, ropes and lifting tackle, cranes and other lifting machines, [<sup>F112</sup>steam boilers, steam receivers and steam containers, and air receivers]—
- (a) the occupier of the factory shall be responsible if it is a contravention with respect to any machinery or plant belonging to or supplied by him; and
  - (b) the owner of the building shall be responsible in any other case;
- except that the owner shall not be responsible for a contravention of those provisions in so far as they relate to matters outside his control, and for any such contravention as respects the factory the occupier shall be responsible.
- (5) The owner shall be responsible by virtue of this section—
- (a) for the cleanliness of sanitary conveniences only when used in common by several tenants; and
  - (b) for a contravention of the provisions relating to hoists and lifts only so far as those provisions relate to matters within his control.
- (6) .....<sup>F114</sup>
- <sup>F115</sup>(7) .....

**Textual Amendments**

**F112** Words repealed (1.7.1994) by S.I. 1989/2169, reg. 26, Sch. 6, Pt. I

**F113** S. 122(2)(b) repealed by S.I. 1974/1941, reg. 7, Sch. 1

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

- F114** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F115** S. 122(7) repealed (6.4.2009) by The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 (S.I. 2009/605), regs. 1, **4(2)(a)**

### *Electrical stations*

#### **123 Application of Act to electrical stations. E+W+S**

- (1) The provisions of this Act shall apply to any premises in which persons are regularly employed in or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory.
- (2) Where any such process or operation is carried on or performed for such a supply as is mentioned in subsection (1) of this section but in other premises than those mentioned therein, then, if the premises are large enough to admit the entrance of a person after the machinery or plant therein is in position, the following provisions of this Act shall apply to the premises as if they were a factory and the employer of any person employed therein in or in connection with any such process or operation were the occupier of the factory, that is to say,—
- (a) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;
  - (b) ..... **F116**
  - (c) Part V;
  - (d) ..... **F116**
  - (e) Part XII;
  - (f) Part XIII;
  - (g) Part XIV.
- (3) The Minister may by [<sup>F117</sup>regulations] apply any of the provisions mentioned in subsection (2) of this section to any machinery or plant used—
- (a) in such processes or operations as are mentioned in subsection (1) of this section and for such a supply as is mentioned therein; but
  - (b) elsewhere than in such premises as are mentioned in subsection (1) or subsection (2) of this section,
- as if the machinery or plant were machinery or plant in a factory, and the employer of any person employed in connection with any such use of the machinery or plant were the occupier of a factory.
- (4) Subsections (1) and (2) of this section shall not, except in so far as the Minister may by [<sup>F117</sup>regulations] direct, apply to any premises where the said processes or operations are only carried on or performed for the immediate purpose of working an electric motor or working any apparatus which consumes electrical energy for lighting, heating, transmitting or receiving messages or communications, or other purposes.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

**Textual Amendments**

**F116** S. 123(2)(b)(d) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**F117** Word substituted by virtue of S.I. 1974/1941, **Sch. 2 para. 2**

**Modifications etc. (not altering text)**

**C12** S. 123(1) amended by **Offices, Shops and Railway Premises Act 1963 (c. 41), s. 74(1)**

*Institutions*

**124 Institutions.** **E+W+S**

(1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, the provisions of this Act shall nevertheless apply to the premises, . . . <sup>F118</sup>

(2) . . . . . <sup>F119</sup>

**Textual Amendments**

**F118** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**F119** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

*Docks, wharves, quays, warehouses and ships*

**125 Docks, etc.** **E+W+S**

(1) The provisions of this Act specified in subsection (2) of this section shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay, and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used—

- (a) as if it were a factory; and
- (b) as if the person having the actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory.

(2) The said provisions are:—

[<sup>F120</sup>(a) the provisions of Part II with respect to steam boilers, but with the modification that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of those provisions:]

(b) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;

(c) . . . . . <sup>F121</sup>

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

- (f) Part V;
- (g) the provisions of Part VII with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by regulations of the Minister;
- (h) .....<sup>F122</sup>
- (j) the provisions of Part X with respect to ...<sup>F123F124</sup> ..., <sup>F125</sup> ..., preservation of registers and records, but subject to such modifications as may be made by regulations of the Minister, ...<sup>F126</sup>;
- (k) .....<sup>F127</sup>
- (l) Part XII; and
- (m) Part XIV.
- (3) Subject to subsection (4) of this section,—
- (a) the provisions of this Act mentioned in paragraph (a) (subject to the modification mentioned in that paragraph) and in paragraphs ...<sup>F128</sup>, (f), ...<sup>F126</sup>, (j), ...<sup>F128</sup>, (l) and (m) of subsection (2) of this section;
- (b) .....<sup>F129</sup>
- shall apply to the process of loading, unloading or coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory.
- [<sup>F130</sup>(4) Nothing in this section shall apply to any machinery or plant which is on board a ship and is the property of the ship owner or charterer, or is rented, leased or hired by him or his agent, or is being purchased by him or his agent under a hire-purchase agreement or a conditional sale agreement (each within the meaning of section 53 of the Health and Safety at Work etc. Act 1974).]
- (5) In subsections (3) and (4) of this section “plant” includes any gangway or ladder used by any person employed to load or unload or coal a ship.
- (6) The provisions of Part II of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery by women and young persons, training and supervision of young persons working at dangerous machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, ...<sup>F128</sup> shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and the person having the actual use or occupation thereof were the occupier of a factory [<sup>F131</sup>], [<sup>F131</sup>] except that this subsection shall not operate to apply the provisions to chains, ropes and lifting tackle, cranes and other lifting machines, or to the construction and maintenance of floors, passages and stairs, in warehouses which are dock premises.]
- [<sup>F132</sup>(7) The provisions of Part II of this Act, and any regulations made under that Part, with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, hoists and lifts shall apply to all dock premises as if the dock premises were a factory, and the person having the control of such matter were the occupier of the factory in respect of that matter.
- (8) The provisions of section 173 of this Act (application to Crown) shall apply to all dock premises as if the dock premises were a factory, but only for the purpose of applying



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to the Crown such provisions of this Act as are applied to docks, wharfs, quays and dock premises by virtue of the foregoing provisions of this section.

- (9) In subsections (6), (7) and (8) of this section “ dock premises ” means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities. ]

#### Textual Amendments

- F120** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, **Sch. 6 Pt. I**
- F121** S. 125(2)(c)–(e) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F122** S. 125(2)(h) repealed by S.I. 1975/1012, **Sch.**
- F123** Words repealed by S.I. 1989/682, reg. 8(1), **Sch. Pt. I**
- F124** Words in s. 125(2)(j) repealed (1.1.1996) by S.I. 1995/2923, reg. 3(1), **Sch. Pt. I**
- F125** Words in s. 125(2)(j) repealed (6.4.2009) by The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 (S.I. 2009/605), regs. 1, **4(2)(b)**
- F126** Words repealed by S.I. 1975/1012, **Sch.**
- F127** S. 125(2)(k) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F128** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F129** S. 125(3)(b) and preceding “and” repealed by Employment Medical Advisory Service Act 1972 (c. 28), **Sch. 3**
- F130** S. 125(4) substituted by S.I. 1988/1655, **regs. 2(1), 3, 23**, with application as mentioned in reg. 3
- F131** Words added and “,” substituted S.I. 1988/1655, **regs. 2(1), 3, 23**, with application as mentioned in reg. 3
- F132** S. 125(7)–(9) added by S.I. 1988/1655, **regs. 2(1), 3, 23**, with application as mentioned in reg. 3

#### Modifications etc. (not altering text)

- C13** S. 125 amended by Employment Medical Advisory Service Act 1972 (c. 28), **s. 8(1)**
- C14** S. 125(1) amended by Offices, Shops and Railway Premises Act 1963 (c. 41), **s. 75(1)(3)**
- C15** S. 125(2)(j) amended by S.I. 1974/1941, **Sch. 2 para. 9**

## 126 Ships. **E+W+S**

- (1) Subject to subsection (3) of this section, the provisions of this Act specified in subsection (2) of this section shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurving or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship or any tank in a ship last used for oil of any description carried as cargo or any tank or hold last used for any substance so carried of a description specified in regulations of the Minister as being of a dangerous or injurious nature; and for the purposes of those provisions as so applying the ship shall be deemed to be a factory, and any person undertaking the work shall be deemed to be the occupier of a factory.
- (2) The said provisions are:—
- (a) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;
  - (b) ..... **F133**
  - (e) Part V;
  - (f) ..... **F134**

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- (g) ..... F135
- (h) ..... F136
- (j) the provisions of Part X with respect to <sup>F137</sup> ..., preservation of registers and records, . . . <sup>F138</sup>
- (k) ..... F139
- (l) Part XII;
- (m) Part XIV.

(3) Nothing in this Act shall apply to any such work as is mentioned in subsection (1) of this section which is done by the master or crew of a ship or done on board a ship during a trial run.

**Textual Amendments**

- F133** S. 126(2)(b)–(d) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F134** Ss. 121(5), 126(2)(f) repealed by **Employment Act 1989** (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. II**
- F135** S. 126(2)(g) repealed by **Employment Medical Advisory Service Act 1972** (c. 28), **Sch. 3**
- F136** S. 126(2)(h) repealed by S.I. 1975/1012, **Sch.**
- F137** Words in s. 126(2)(j) repealed (6.4.2009) by **The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009** (S.I. 2009/605), regs. 1, **4(2)(b)**
- F138** Words repealed by S.I. 1975/1012, **Sch.**
- F139** S. 126(2)(k) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**Modifications etc. (not altering text)**

- C16** S. 126 amended by **Employment Medical Advisory Service Act 1972** (c. 28), s. **8(1)**

*Works of building and engineering construction*

**127 Building operations and works of engineering construction. E+W+S**

(1) Subject to the following provisions of this section, the provisions of this Act specified in subsection (2) of this section shall apply—

- (a) to building operations; and
- (b) to works of engineering construction;

undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway.

(2) The said provisions are:—

- (a) the provisions of Part I with respect to sanitary conveniences;
- (b) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;
- <sup>F140</sup>(c) the provisions of Part II with respect to steam boilers and air receivers . . . <sup>F141</sup>
- (d) ..... <sup>F142</sup>
- (f) Part V;
- (g) ..... <sup>F143</sup>
- (h) ..... <sup>F144</sup>
- (j) the provisions of Part X with respect to . . . <sup>F145F146</sup> . . . , <sup>F147</sup> ..., preservation of registers and records, . . . <sup>F148</sup>

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- (k) the provisions of Part XI with respect to . . . <sup>F141</sup> duties of . . . <sup>F141</sup> district councils;
- (l) Part XII;
- (m) Part XIII;
- (n) Part XIV.

<sup>F149</sup>(3) . . . . .

(4) The provisions of this Act in their application to building operations or to works of engineering construction shall have effect as if any place where such operations or works are carried on were a factory and any person undertaking any such operations or works to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Minister.

(5) The provisions of this Act requiring <sup>F150</sup> . . . registers to be kept <sup>F151</sup> . . . shall be deemed to be complied with as respects building operations or works of engineering construction if the register is kept at an office of the person undertaking the operations or works <sup>F151</sup> . . . .

<sup>F152</sup>(6) . . . . .

<sup>F152</sup>(7) . . . . .

(8) The application of this Act to any building operations or works of engineering construction by virtue of the foregoing provisions of this section shall not be excluded by reason of the fact that they are undertaken on premises to which this Act applies apart from those provisions; and nothing in this section shall be taken as prejudicing the application of this Act to those premises apart from this section.

#### Textual Amendments

- F140** Ss. 32, 35, 36, 125, 127(2)(c) repealed (1.7.1994) by S.I. 1989/2169, reg. 26, **Sch. 6 Pt. I**
- F141** Words repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F142** S. 127(2)(d)(e) repealed by S.I. 1974/1941, reg. 7, **Sch. 1**
- F143** S. 127(2)(g) repealed by Employment Medical Advisory Service Act 1972 (c. 28), **Sch. 3**
- F144** S. 127(2)(h) repealed by S.I. 1975/1012, **Sch.**
- F145** Words repealed by S.I. 1989/682, reg. 8(1), **Sch. Pt. I**
- F146** Words in s. 127(2)(j) repealed (1.1.1996) by S.I. 1995/2923, reg. 3, **Sch. Pt. I**
- F147** Words in s. 127(2)(j) repealed (6.4.2009) by The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 (S.I. 2009/605), regs. 1, **4(2)(b)**
- F148** Words repealed by S.I. 1975/1012, **Sch.**
- F149** S. 127(3) repealed (2.9.1996) by S.I. 1996/1592, reg. 34, **Sch. 9 para. 2(a)**
- F150** Word in s. 127(5) repealed (6.4.2009) by The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 (S.I. 2009/605), regs. 1, **4(2)(c)**
- F151** Words in s. 127(5) repealed (1.1.1996) by S.I. 1995/2923, reg. 3, **Sch. Pt. I**
- F152** S. 127(6)(7) repealed (31.3.1995) by S.I. 1994/3140, reg. **24(1)**

#### Modifications etc. (not altering text)

- C17** S. 127 amended by Employment Medical Advisory Service Act 1972 (c. 28), s. **8(1)**
- C18** S. 127(2)(j), (3)(5) amended by S.I. 1974/1941, **Sch. 2 para. 9**

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*Lead processes carried on in places other than factories*

<sup>F153</sup> **128** ..... **E+W+S**

**Textual Amendments**  
**F153** S. 128 repealed (1.4.1998) by S.I. 1998/543, reg. 14(1)

**129**     **E+W+S**

- (1) ..... <sup>F154</sup>
- (2) ..... <sup>F155</sup>

**Textual Amendments**  
**F154** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**  
**F155** Ss. 129(2)–(6), 130, repealed by S.I. 1980/1248, reg. 20(1), **Sch. 1**

**130** ..... <sup>F156</sup> **E+W+S**

**Textual Amendments**  
**F156** Ss. 129(2)–(6), 130, repealed by S.I. 1980/1248, reg. 20(1), **Sch. 1**

<sup>F157</sup> **131** ..... **E+W+S**

**Textual Amendments**  
**F157** S.131 repealed (1.4.1998) by S.I. 1998/543, reg. 14(1)

<sup>F158</sup> **132** ..... **E+W+S**

**Textual Amendments**  
**F158** S. 132 repealed (1.4.1998) by S.I. 1998/543, reg. 14(1)

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

**PART VIII E+W+S**

HOME WORK

<sup>F159</sup> 133 ..... **E+W+S**

**Textual Amendments**

**F159** S. 133 repealed (1.1.1996) by S.I. 1995/3234, reg. 2(1), Sch. 1 Pt. I

134 ..... <sup>F160</sup> **E+W+S**

**Textual Amendments**

**F160** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, Sch. 1

**PART IX E+W+S**

135— ..... <sup>F161</sup> **E+W+S**  
135A.

**Textual Amendments**

**F161** Ss. 135, 135A repealed by Wages Act 1986 (c. 48, SIF 43:2), ss. 11, 32(2), Sch. 1, Sch. 5 Pt. III

136 ..... <sup>F162</sup> **E+W+S**

**Textual Amendments**

**F162** Ss. 136, 143 repealed by S.I. 1975/1012, Sch.

**PART X E+W+S**

NOTICES, RETURNS, RECORDS, DUTIES OF PERSONS EMPLOYED,  
AND APPLICATION OF WEIGHTS AND MEASURES ACTS

<sup>F163</sup> 137 Notice of occupation of factory, and use of mechanical power. **E+W+S**

.....

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

**Textual Amendments**

**F163** S. 137 repealed (6.4.2009) by The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 (S.I. 2009/605), regs. 1, **2(1)**

<sup>F164</sup>**138** ..... **E+W+S**

**Textual Amendments**

**F164** S. 138 repealed (1.1.1996) by S.I. 1995/2923, reg. 3(1), **Sch. Pt. I**

<sup>F165</sup>**139** ..... **E+W+S**

**Textual Amendments**

**F165** S. 139 repealed (1.1.1996) by S.I. 1995/2923, reg. 3, **Sch. Pt. I**

<sup>F166</sup>**140** **General registers.** **E+W+S**

.....

**Textual Amendments**

**F166** S. 140 repealed (6.4.2009) by The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 (S.I. 2009/605), regs. 1, **3(1)** (with a saving in reg. 3(3))

**141** **Preservation of registers and records.** **E+W+S**

[<sup>F167</sup>Any register] or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector or by [<sup>F168</sup>an employment medical adviser] for at least two years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

**Textual Amendments**

**F167** Words in s. 141 substituted (6.4.2009) by The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 (S.I. 2009/605), regs. 1, **3(2)**  
**F168** Words substituted by Employment Medical Advisory Service Act 1972 (c. 28), **Sch. 2**

**142** ..... <sup>F169</sup>**E+W+S**

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

**Textual Amendments**

**F169** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**143** ..... <sup>F170</sup> **E+W+S**

**Textual Amendments**

**F170** Ss. 136, 143 repealed by S.I. 1975/1012, **Sch.**

**144** ..... <sup>F171</sup> **E+W+S**

**Textual Amendments**

**F171** S. 144 repealed by **Weights and Measures Act 1963** (c. 31), s. 62, **Sch. 9 Pt. 1**

**PART XI** **E+W+S**

ADMINISTRATION

**145** ..... <sup>F172</sup> **E+W+S**

**Textual Amendments**

**F172** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**146,** ..... <sup>F173</sup> **E+W+S**  
**147.**

**Textual Amendments**

**F173** Ss. 146, 147 repealed by S.I. 1974/1941, reg. 7, **Sch. 1** and 1976/2004, **Sch.**

**148** ..... <sup>F174</sup> **E+W+S**

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**Textual Amendments**

**F174** Ss. 40–52, 120, 140(2), 148, 165, repealed by S.I. 1976/2004, **Sch.**

**149,** ..... **F175** **E+W+S**  
**150.**

**Textual Amendments**

**F175** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**151,** ..... **F176** **E+W+S**  
**152.**

**Textual Amendments**

**F176** Ss. 85, 118, 151, 152, 184(2) repealed by Employment Medical Advisory Service Act 1972 (c. 28), **Sch. 3**

**153** **Provisions as to county and district councils.** **E+W+S**

- (1) The [<sup>F177</sup>proper officer][<sup>F178</sup>sanitary inspector] of every district council shall—
- (a) in his annual report to the council report specifically on the administration of, and furnish the prescribed particulars with respect to, the matters under . . . <sup>F179</sup> Part VIII of this Act which are administered by the district council, and shall send a copy of his annual report or so much of it as deals with those matters to the Minister; and
  - (b) ..... **F180**
- (2) ..... **F181**
- (3) ..... **F182**

**Textual Amendments**

**F177** Words substituted (E.W.) by virtue of Local Government Act 1972 (c. 70), **Sch. 29 Pt. I para. 4**  
**F178** Words substituted (S.) by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 121(a)**  
**F179** Words repealed by S.I. 1977/746, **Sch. 3**  
**F180** Ss. 138(1)(a)–(c), 153(1)(b) repealed by S.I. 1989/682, reg. 8(1), **Sch. Pt. I**  
**F181** Ss. 8, 153(2) repealed by S.I. 1977/746, **Sch. 3**  
**F182** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**



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## 154 Prohibition of disclosure of information **E+W+S**

If any person who, in pursuance of powers conferred by section one hundred and forty-eight or section one hundred and fifty-three of this Act, is admitted into any factory or place discloses to any person any information obtained by him in the factory or place with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an of an offence . . . <sup>F183</sup>.

### Textual Amendments

**F183** Words repealed by S.I. 1974/1941, reg. 7, Sch. 1

## [<sup>F184</sup>154A] Exception to the prohibition: public authorities **E+W+S**

Section 154 does not apply if–

- (a) the person making the disclosure referred to in that section is, or is acting on behalf of a person who is, a public authority for the purposes of the Freedom of Information Act 2000 [<sup>F185</sup> or a Scottish public authority for the purposes of the Freedom of Information (Scotland) Act 2002] , and
- (b) the information is not held by the authority on behalf of another person.]

### Textual Amendments

**F184** S. 154A inserted (1.1.2005) by [The Freedom of Information \(Removal and Relaxation of Statutory Prohibitions on Disclosure of Information\) Order 2004 \(S.I. 2004/3363\)](#), **art 2**

**F185** Words in s. 154A inserted (S.) (13.10.2008) by [The Freedom of Information \(Relaxation of Statutory Prohibitions on Disclosure of Information\) \(Scotland\) Order 2008 \(S.S.I. 2008/339\)](#), **art. 2**

## PART XII **E+W+S**

### OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

## 155 Offences. **E+W+S**

- (1) In the event of any contravention in or in connection with or in relation to a factory of the provisions of this Act, or of any regulation or order made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner, of the factory shall, subject to the following provisions of this Part of this Act, be guilty of an offence.
- (2) In the event . . . <sup>F186</sup> of a contravention by any person of any regulation or order made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence, by reason only of . . . <sup>F186</sup> the contravention of the provision imposing the said duty, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention; but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matters by virtue of some provision other than the provisions or provision aforesaid.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

- (3) If the occupier of a factory avails himself of any exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Act.
- (4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Act or of any regulation or order made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.
- [<sup>F187</sup>(5) Where an offence under this Act committed by a company is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the company, he, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.]

#### Textual Amendments

**F186** Words repealed by S.I. 1975/1012, Sch.

**F187** S. 155(5) repealed by S.I. 1974/1941, reg. 7, Sch. 1 except in relation to offences under s. 135

#### [<sup>F188</sup>156 Fines for offences for which no express penalty provided. **E+W+S**

- (1) Subject to the following provisions of this Part of this Act, any person guilty of an offence under this Act for which no express penalty is provided by this Act shall be liable—
- if he is an employed person, to a fine not exceeding [<sup>F189</sup>level 1 on the standard scale];
  - in any other case, to a fine not exceeding [<sup>F189</sup>level 3 on the standard scale];
- and if the contravention in respect of which he was convicted is continued after the conviction he shall (subject to the provisions of section one hundred and fifty-seven of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding fifteen pounds for each day on which the contravention is so continued.
- (2) In relation to a contravention which was likely to cause the death of, or bodily injury to, any person, subsection (1) of this section shall have effect as if for the references in paragraphs (a) and (b) to fifteen pounds and sixty pounds there were respectively substituted references to [<sup>F189</sup>level 3 on the standard scale] and [<sup>F189</sup>level 4 on the standard scale].]

#### Textual Amendments

**F188** S. 156 repealed by S.I. 1976/2004, Sch. except in relation to offences committed before 1.1.1977 and offences under s. 135

**F189** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

#### [<sup>F190</sup>157 Power of court to order cause of contravention to be remedied. **E+W+S**

Where the occupier or owner of a factory is convicted of an offence under this Act, the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application,

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enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be liable to a fine not exceeding ten pounds for each day on which the non-compliance continues.]

**Textual Amendments**

**F190** S. 157 repealed by S.I. 1974/1941, reg. 7, Sch. 1 except in relation to offences under s. 135.

**158 Fine for offence by parent. E+W+S**

If a young person is employed in any factory in contravention of the provisions of this Act, the parent of the young person shall be guilty of an offence and liable [<sup>F191</sup>on summary conviction] to a fine not exceeding [<sup>F192</sup>level 1 on the standard scale], unless it appears to the court that the contravention occurred without the consent, connivance, or wilful default of the parent.

**Textual Amendments**

**F191** Words inserted by S.I. 1974/1941, Sch. 2 para. 4

**F192** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

**159** ..... <sup>F193</sup> **E+W+S**

**Textual Amendments**

**F193** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, Sch. 1

<sup>F194</sup>**160 Penalty on person actually committing an offence for which other person is primarily liable. E+W+S**

- (1) Where an act or default for which any person is liable under this Act is in fact the act or default of some other person, that other person shall be guilty of an offence and liable, subject to subsection (2) of this section, to the like fine as if he were the first-mentioned person.
- (2) The fine that may be imposed under subsection (1) of this section on an employed person where the offence is one for which no express penalty is provided by this Act shall be that specified in section one hundred and fifty-six of this Act in relation to employed persons, notwithstanding that the person primarily liable is not an employed person.]

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

#### Textual Amendments

**F194** S. 160 repealed by S.I. 1976/2004, Sch. except in relation to offences committed before 1.1.1977 and offences under s. 135.

### [<sup>F195</sup>161 Power of person primarily liable to exempt himself from liability. **E+W+S**

- (1) In England and Wales, a person charged with an offence under this Act shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three day's notice in writing of his intention, to have any other person whom he charges as the actual offender brought before the court at the time appointed for the hearing of the charge; and if, after the commission of the offence has been proved, the first-mentioned person proves to the satisfaction of the court—
- (a) that he has used all due diligence to enforce the execution of this Act and of any relevant order or regulation made thereunder; and
  - (b) that the said other person had committed the offence in question without his consent, connivance, or wilful default;
- that other person shall be summarily convicted of the offence, and the first-mentioned person shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.
- (2) The prosecution shall have the right in any such case to cross-examine the first-mentioned person if he gives evidence and any witnesses called by him in support of his charge, and to call rebutting evidence.
- (3) In Scotland, a person charged with an offence under this Act who proves to the satisfaction of the court that he has used all due diligence to enforce the execution of this Act and of any relevant order or regulation made thereunder and that the offence was due to the act or default of some other person who committed it without his consent, connivance or wilful default, shall be acquitted of the offence.
- (4) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—
- (a) that the person who would be proceeded against apart from this subsection has used all due diligence to enforce the execution of this Act; and
  - (b) by what person the offence has been committed; and
  - (c) that it has been committed without the consent, connivance or wilful default of the first-mentioned person and in contravention of his orders,
- the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the first-mentioned person.]

#### Textual Amendments

**F195** S. 161 repealed by S.I. 1976/2004, Sch. except in relation to offences committed before 1.1.1977 and offences under s. 135

### 162 Proceedings against persons not primarily liable. **E+W+S**

Where, under this Act, any person is substituted for another with respect to any provisions of this Act, any order, summons, notice or proceeding which for the purpose

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of any of those provisions is by or under this Act required or authorised to be served on or taken in relation to that other person, is hereby required or authorised (as the case may be) to be served on or taken in relation to the first-mentioned person.

**163 Owner of machine liable in certain cases instead of occupier. E+W+S**

Where in a factory the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the factory the owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

**164 Prosecution of offences and application of fines. E+W+S**

[<sup>F196</sup>(1) All offences under this Act shall be triable summarily.]

[<sup>F196</sup>(2) In any proceedings under this Act it shall be sufficient in the information or, in Scotland, complaint to allege that the factory is a factory within the meaning of this Act and to state the name of the ostensible occupier of the factory, or, where the occupier is a firm, the title of the firm.]

(3) ..... <sup>F197</sup>

(4) ..... <sup>F197</sup>

[<sup>F198</sup>(5) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act or any regulation or order made thereunder, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.]

(6) ..... <sup>F199</sup> all fines imposed in Scotland in respect of offences under this Act shall be paid into the Exchequer.

[<sup>F198</sup>(7) Where a proceeding is taken before a magistrates' court or other court of summary jurisdiction with respect to an offence under this Act alleged to be committed in or with reference to a factory, no person shall be qualified to act as a member of the court who is the occupier or owner of the factory, or the husband, wife, parent, son, daughter, brother, or sister of the occupier or owner of the factory, or a person engaged in, or an officer of any association of persons engaged in, the same trade or occupation as any person charged with the offence.]

**Textual Amendments**

**F196** S. 164(1)(2) repealed by S.I. 1976/2004, **Sch.** except in relation to offences committed before 1.1.1977 and offences under s. 135

**F197** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**F198** S. 164(5)(7) repealed by S.I. 1974/1941, reg. 7, **Sch. 1** except in relation to offences under s. 135

**F199** Words repealed by Criminal Justice Act 1972 (c. 71), **Sch. 6 Pt. II**

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165 ..... <sup>F200</sup> **E+W+S**

**Textual Amendments**

**F200** Ss. 40–52, 120, 140(2), 148, 165, repealed by S.I. 1976/2004, **Sch.**

166 **Special provisions as to evidence.** **E+W+S**

- (1) If a person is found in a factory at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory, unless the factory is one in which the only persons employed are members of the same family dwelling there.
- (2) Where in any proceedings under this Act with respect to a young person it appears to the court that that young person is apparently of or below the age alleged by the informant, or, in Scotland, by the prosecutor, it shall lie on the accused to prove that the young person is not of or below that age.
- [<sup>F201</sup>(3) Where any entry is required by this Act or by any order or regulations made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or of any order or regulation made thereunder has not been made, shall be admissible as evidence that that provision has not been observed.]

**Textual Amendments**

**F201** S. 166(3) repealed by S.I. 1974/1941, reg. 7, **Sch. 1** except for the purposes of s. 135

167 **Proceedings for offences in respect of the employment of children.** **E+W+S**

For the purposes of any proceedings under this Act in respect of the employment of children in contravention of . . . <sup>F202</sup>[<sup>F203</sup>section one hundred and thirty six of the <sup>M3</sup>Education (Scotland) Act 1962] or section one of the <sup>M4</sup>Employment of Women, Young Persons, and Children Act 1920 or any other enactment prohibiting the employment of children which is incorporated with this Act, references in this Part of this Act to young persons shall be construed as including references to children within the meaning of any such enactment.

**Textual Amendments**

**F202** Words repealed by **Education Act 1973 (c. 16)** Sch. 2 Pt. I

**F203** Words substituted by virtue of **Interpretation Act 1978 (c. 30)**, s. 17(2)(a)

**Marginal Citations**

**M3** 1962 c. 47.

**M4** 1920 c. 65.

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[<sup>F204</sup>**168 Service of documents, etc.** **E+W+S**]

- (1) Any document (including any summons or order) required or authorised to be served under this Act may be served—
  - (a) on any person by delivering it to him, or by leaving it at, or sending it by post to, his residence;
  - (b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm;
  - (c) on the owner or occupier of a factory (including any such owner or occupier being a company to which the <sup>M5</sup>Companies Act 1948 applies), in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any person apparently not under the age of sixteen years at the factory.
- (2) Any such document may be addressed for the purpose of the service thereof on the occupier of a factory, to “the occupier” at the proper postal address of the factory, without further name or description.
- (3) The foregoing provisions of this section shall apply with the necessary modifications to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing, and delivery of such documents.]

**Textual Amendments**

**F204** S. 168 repealed by S.I. 1974/1941, reg. 7, Sch. 1 except for the purposes of s. 135

**Marginal Citations**

**M5** 1948 c. 38.

**169 Power of county court or sheriff to modify agreements.** **E+W+S**

If by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as a factory the owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act, he may apply to the county court or, in Scotland, the sheriff, and the court or sheriff, after hearing the parties and any witnesses whom they desire to call, may make such an order setting aside or modifying the terms of the agreement as the court or sheriff considers just and equitable in the circumstances of the case.

**170 Power of county court or sheriff to apportion expenses.** **E+W+S**

Where in any premises the whole or any part of which has been let as a factory any structural or other alterations are required in order to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act and the owner or occupier as the case may be alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to the county court or, in Scotland, the sheriff, and the court or sheriff, after hearing the parties and any witnesses whom they may desire to call, may make such an order concerning the expenses or their apportionment as the court or sheriff considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between



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the parties, or in the alternative the court or sheriff may at the request of the owner or occupier determine the lease.

<sup>F205</sup>**171 Application of [<sup>F206</sup>the Arbitration (Scotland) Act 2010 or] the Arbitration Act 1996.** **E+W+S**

<sup>F207</sup>Nothing in any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or] Part I of the Arbitration Act 1996 [<sup>F208</sup>applies] to proceedings under this Act except in so far as [<sup>F209</sup>those provisions] may be applied by regulations made under this Act.]

**Textual Amendments**

- F205** S. 171 substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 14** (with s. 81(2)); S.I. 1996/3146, **art. 3**
- F206** Words in s. 171 heading inserted (S.) (5.6.2010) by The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220), art. 1, **sch. para. 3(1)(d)**
- F207** Words in s. 171 inserted (S.) (5.6.2010) by The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220), art. 1, **sch. para. 3(1)(a)**
- F208** Word in s. 171 substituted (S.) (5.6.2010) by The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220), art. 1, **sch. para. 3(1)(b)**
- F209** Words in s. 171 substituted (S.) (5.6.2010) by The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220), art. 1, **sch. para. 3(1)(c)**

**PART XIII** **E+W+S**

APPLICATION OF ACT

**172 General application.** **E+W+S**

Save as in this Act otherwise expressly provided, the provisions of this Act shall apply only to factories as defined by this Act, but shall, except where the contrary intention appears, apply to all such factories

**173 Application to Crown.** **E+W+S**

- (1) This Act applies to factories belonging to or in the occupation of the Crown, to building operations and works of engineering construction undertaken by or on behalf of the Crown, and to the employment by or under the Crown of persons in painting buildings; but in case of any public emergency the Minister may, by order, to the extent and during the period named in the order exempt from this Act any factory belonging to the Crown or any building operations or works of engineering construction undertaken by or on behalf of the Crown, or any factory in respect of work which is being done on behalf of the Crown.

**Modifications etc. (not altering text)**

- C19** Reference to Minister in s. 173(1), in so far as it enables orders to be made otherwise than by statutory instrument, to be construed as reference to the Health and Safety Executive: S.I. 1974/1941, reg. 7, **Sch. 1**



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**174** **E+W+S**

[<sup>F210</sup>(1) None of the provisions of this Act shall apply to any premises forming part of a quarry.]

(2) ..... <sup>F211</sup>

**Textual Amendments**

**F210** S. 174(1) substituted (1.1.2000) by virtue of S.I. 1999/2024, reg. 47(3), **Sch. 3**

**F211** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, **Sch. 1**

**PART XIV** **E+W+S**

INTERPRETATION AND GENERAL

*Interpretation*

**175** **Interpretation of expression “factory”.** **E+W+S**

(1) Subject to the provisions of this section, the expression “factory” means any premises in which, or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes, namely:—

- (a) the making of any article or of part of any article; or
- (b) the altering, repairing, ornamenting, finishing, cleaning, or washing or the breaking up or demolition of any article; or
- (c) the adapting for sale of any article;
- (d) the slaughtering of cattle, sheep, swine, goats, horses, asses or mules; or
- (e) the confinement of such animals as aforesaid while awaiting slaughter at other premises, in a case where the place of confinement is available in connection with those other premises, is not maintained primarily for agricultural purposes within the meaning of the <sup>M6</sup>Agriculture Act 1947 or, as the case may be, the <sup>M7</sup>Agriculture (Scotland) Act 1948 and does not form part of premises used for the holding of a market in respect of such animals;

being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control.

(2) The expression “factory” also includes the following premises in which persons are employed in manual labour (whether or not they are factories by virtue of subsection (1) of this section), that is to say,—

- (a) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up;
- (b) any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory;

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- (c) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory;
  - (d) any premises in which the business of hooking, plaiting, lapping, making-up or packing of yarn or cloth is carried on;
  - (e) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution;
  - (f) except as provided in subsection (10) of this section, any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking;
  - (g) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on;
  - (h) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made;
  - (j) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry;
  - (k) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain;
  - (l) any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain, so, however, that the employment at any such premises of theatrical performers within the meaning of the <sup>M8</sup>Theatrical Employers Registration Act 1925 and of attendants on such theatrical performers shall not be deemed to be employment in a factory;
  - (m) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on;
  - (n) any premises used for the storage of gas in a gasholder having a storage capacity of not less than [<sup>F212</sup>140 cubic metres].
- (3) Any line or siding (not being part of a railway or tramway) which is used in connection with and for the purposes of a factory, shall be deemed to be part of the factory; and if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.
- (4) A part of a factory may, with the approval in writing of the chief inspector, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.
- (5) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier, shall be deemed to be a factory for the purposes of this Act, and, in the case of any such workplace not being a tenement factory or part of a tenement factory, the provisions of this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

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- (6) Where a place situate within the close, curtilage, or precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.
- (7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.
- (8) Where the Minister by regulations so directs as respects all or any purposes of this Act, different branches or departments of work carried on in the same factory shall be deemed to be different factories.
- (9) Any premises belonging to or in the occupation of the Crown or any municipal or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the Crown or any such authority shall not be excluded from the operation of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.
- (10) Premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out shall not be deemed to be a factory by reason only of paragraph (f) of subsection (2) of this section, unless they are premises used for the purposes of a railway undertaking where running repairs to locomotives are carried out.

#### Textual Amendments

**F212** Words substituted (with saving) by [S.I. 1983/978](#), regs. 3, 4, [Sch. 1](#)

#### Modifications etc. (not altering text)

**C20** Definition of "factory" applied by [City of Edinburgh District Council Order Confirmation Act 1991](#) (c.xix), s. 1, [Sch. Pt. I](#), para.2.

#### Marginal Citations

**M6** 1947 c. 48.

**M7** 1948 c. 45.

**M8** 1925 c. 50.

## 176 General interpretation **E+W+S**

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“bakehouse” means any place in which bread, biscuits or confectionery is or are baked by way of trade or for purposes of gain;

<sup>F213</sup>

“bodily injury” includes injury to health;

[<sup>F214</sup> “building operation” and “work of engineering construction” mean “construction work” within the meaning assigned to that phrase by regulation 2(1) of the Construction (Design and Management) Regulations [<sup>F215</sup> 2007 ];]

“calendar year” means the period of twelve months beginning with the first day of January in any year;

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F216

[<sup>F217</sup> “child” means any person who is not over—

- (a) compulsory school age (construed in accordance with section 8 of the Education Act 1996), or
- (b) school age (construed in accordance with section 31 of the Education (Scotland) Act 1980);]

“class or description”, in relation to factories, includes a group of factories described by reference to locality;

“contravention” includes, in relation to any provision, a failure to comply with that provision, and the expression “contravene” shall be construed accordingly;

“cotton cloth factory” means any room, shed or workshop, or part thereof, in which the weaving of cotton cloth is carried on;

F218

“district council” means, as respects England and Wales, the council of a <sup>F219</sup>... district, and, as respects Scotland [<sup>F220</sup>an islands or a district council];

“driving-belt” includes any driving strap or rope;

“fume” includes gas or vapour;

F221

“humid factory” means a factory in which atmospheric humidity is artificially produced by steaming or other means in connection with any textile process;

[<sup>F222</sup>“inspector” means an inspector appointed by the Health and Safety Executive under section 19 of the <sup>M9</sup>Health and Safety at Work etc. Act 1974 and references in any provision of this Act to the inspector for the district, the superintending inspector for the division or the chief inspector are references to an inspector so appointed for the purposes of that provision];

“machinery” includes any driving-belt;

F223

“maintained” means maintained in an efficient state, in efficient working order, and in good repair;

“the Minister” means [<sup>F224</sup>the Secretary of State];

“owner”—

- (a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent; and
- (b) as respects Scotland, means the person for the time entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted;

“parent” [<sup>F225</sup> means a parent of a child or young person or any person who is not a parent of his but who has parental responsibility for him (within the meaning of the Children Act 1989) or who has parental responsibilities in relation to him (within the meaning of section 1(3) of the Children (Scotland) Act 1995), and includes], in relation to any child or young person, any person having direct benefit from his wages;

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“period of employment” means the period (inclusive of the time allowed for meals and rest) within which persons may be employed on any day;

“prescribed” means prescribed by order of the Minister;

“prime mover” means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source;

“process” includes the use of any locomotive;

“railway” means any railway used for the purposes of public traffic whether passenger, goods, or other traffic and includes any works of the railway company connected with the railway;

“railway company” includes <sup>F226</sup> . . . a company or person working a railway under lease or otherwise;

“sanitary conveniences” includes urinals, water-closets, earthclosets, privies, ashpits, and any similar convenience;

<sup>F216</sup> . . . . .

[<sup>F227</sup> “ship” and “vessel” have the same meaning as “ship” in the Merchant Shipping Act 1995, and “harbour” has the same meaning as in the Merchant Shipping Act 1995; ]

“tenement factory” means any premises where mechanical power from any prime mover within the close or curtilage of the premises is distributed for use in manufacturing processes to different parts of the same premises occupied by different persons in such manner that those parts constitute in law separate factories;

“tramway” means a tramway authorised by or under any Act of Parliament and used for the purpose of public traffic;

“transmission machinery” means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

“week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

“woman” means a woman who has attained the age of eighteen;

<sup>F228</sup> . . . . .

“young person” means a person who has ceased to be a child but has not attained the age of eighteen.

- (2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed, and a factory or building to have been constructed, reconstructed, extended, added to, or converted for use as a factory, before any date, if the construction, reconstruction, extension, addition, or conversion was begun before that date.
- (3) For the purposes of this Act, a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of heating, ventilating or lighting the workrooms or other parts of the factory.
- (4) A woman, young person, or child who works in a factory, whether for wages or not, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise

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provided by this Act, be deemed to be employed therein for the purposes of this Act or of any proceedings thereunder, <sup>F229</sup> . . . .

- (5) A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Act or of any proceedings thereunder, but [<sup>F230</sup>section 119 of this Act shall not apply] to any such young person who is employed mainly outside the factory.
- (6) For the purposes of this Act, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.
- (7) For the purposes of this Act, an apprentice shall be deemed to be a person employed.
- (8) This Act shall in its application to London have effect as if for references to district councils there were substituted, as respects the City of London references to the common council, <sup>F231</sup> . . . .
- [<sup>F232</sup>(8A) In the application of this Act in relation to Wales—
- (a) any reference to a district council shall be construed as a reference to a county council or (as the case may be) county borough council; and
- (b) any reference to the district of a district council shall be construed as a reference to a county or county borough.]
- (9) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

### Textual Amendments

- F213** Definition repealed by [Banking and Financial Dealings Act 1971 \(c. 80\)](#), **Sch. 2 Pt. II**
- F214** Definition of “building operation” in s. 176(1) deleted and substituted (2.9.1996) by [S.I. 1996/1592](#), reg. 34, **Sch. 9 para. 2(b)(i)**
- F215** Words in s. 176(1) substituted (6.4.2007) by [The Construction \(Design and Management\) Regulations 2007 \(S.I. 2007/320\)](#), reg. 48(2), **Sch. 5**
- F216** Definition repealed by [S.I. 1974/1941](#), reg. 7, **Sch. 1**
- F217** Definition of “child” in s. 176(1) substituted (1.9.1997 subject to Sch. 40 para. 1 of the amending S.I.) by [1996 c. 56](#), s. 582(1), **Sch. 37 Pt. II para. 135** (with s. 1(4), Sch. 39); [S.I. 1997/1623](#), **art. 2(2)**
- F218** Definition repealed by [S.I. 1983/978](#), **reg. 3**
- F219** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F220** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **s. 155(1)**
- F221** Words in s. 176(1) repealed (6.4.2009) by [The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 \(Repeals and Modifications\) Regulations 2009 \(S.I. 2009/605\)](#), regs. 1, **4(2)(d)**
- F222** Definition substituted by [S.I. 1974/1941](#), **Sch. 2 para. 12**
- F223** In s. 176(1) definition of “magistrates’ court” repealed (5.11.1993) by [Statute Law \(Repeals\) Act 1993 \(c. 50\)](#), s. 1(1), **Sch. 1 Pt. XIV Gp. 3**
- F224** Words substituted by virtue of [S.I. 1968/729](#), **art. 3(2)**
- F225** Words in definition of “parent” in s. 176(1) substituted (1.11.1996 subject to arts. 4-7 of the commencing Act) by [1995 c. 36](#), s. 105(4), **Sch. 4 para. 10(b)** (with s. 103(1)); [S.I. 1996/2203](#), art. 3, **Sch.**
- F226** Words repealed by [Transport Act 1962 \(c. 46\)](#), **Sch. 12 Pt. II**
- F227** Definitions of “ship”, “harbour” and “vessel” in s. 176(1) substituted (1.1.1996) by [1995 c. 21](#), ss. 314(2), 316(2), **Sch. 13 para. 31** (with s. 312(1))
- F228** Definition of “work of engineering construction” in s. 176(1) deleted (2.9.1996) by [S.I. 1996/1592](#), reg. 34, **Sch. 9 para. 2(b)(ii)**

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- F229** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 7 Pt. II**
- F230** Words in s. 176(5) substituted (3.3.1997) by 1989 c. 38, s. 29(3), **Sch. 6 para. 6**; S.I. 1997/134, **art. 2**
- F231** Words repealed by [London Government Act 1963 \(c. 33\)](#), s. 93, **Sch. 18 Pt. II**
- F232** S. 176(8A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

#### Marginal Citations

- M9** 1974 c. 37.

### General

**F233** 177 ..... **E+W+S**

#### Textual Amendments

- F233** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by [S.I. 1974/1941, reg. 7, Sch. 1](#)

### 178 Certificates of birth. **E+W**

- (1) Where the age of any person is required to be ascertained or proved for the purposes of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as [<sup>F234</sup>the Secretary of State] or, as respects Scotland, the Secretary of State may by regulations prescribe and on payment of a fee of [<sup>F235</sup>£4.00, £7.00 or £10.00], be entitled to obtain a certified extract under the hand of a registrar or superintendent registrar of births and deaths of the entry in the register under the <sup>M10</sup>Births and Deaths Registration Act 1953 or [<sup>F236</sup>the <sup>M11</sup>Registration of Births, Deaths and Marriages (Scotland) Act 1965] of the birth of that person.
- (2) A form of such a requisition shall on request be supplied without charge by every superintendent registrar and registrar of births and deaths.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F234** Words substituted by virtue of [S.I. 1967/486, arts. 2\(6\), 5\(1\), Sch. 2 para. 8](#) and 1968/1699, arts. 2, 5(4)
- F235** S. 178(1): fees of £4.00, £7.00 and £10.00 made payable (E.W.) (1.4.2012) in respect of extracts issued by (i) a registrar at the time of registration, (ii) a registrar after the time of registration and (iii) a superintendent registrar respectively by virtue of [S.I. 2010/441, Sch.](#) (as substituted by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2012 \(S.I. 2012/760\)](#), **arts. 1, 3, 4**)
- F236** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

#### Modifications etc. (not altering text)

**C21** Power to amend s. 178(1) conferred by [Public Expenditure and Receipts Act 1968 \(c. 14\)](#), s. 5, [Sch. 3](#)

#### Marginal Citations

**M10** 1953 c. 20.

**M11** 1965 c. 49.

## 178 Certificates of birth. **S**

- (1) Where the age of any person is required to be ascertained or proved for the purposes of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as [<sup>F267</sup>the Secretary of State] or, as respects Scotland, the Secretary of State may by regulations prescribe and on payment of a fee of [<sup>F268</sup>£10.00], be entitled to obtain a certified extract under the hand of a registrar or superintendent registrar of births and deaths of the entry in the register under the <sup>M22</sup>Births and Deaths Registration Act 1953 or [<sup>F269</sup>the <sup>M23</sup>Registration of Births, Deaths and Marriages (Scotland) Act 1965] of the birth of that person.
- (2) A form of such a requisition shall on request be supplied without charge by every superintendent registrar and registrar of births and deaths.

#### Extent Information

**E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

**F267** Words substituted by virtue of [S.I. 1967/486](#), arts. 2(6), 5(1), [Sch. 2 para. 8](#) and 1968/1699, arts. 2, 5(4)

**F268** S. 178(1): fee substituted (S.) (1.1.2011) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Scotland\) Order 2010 \(S.S.I. 2010/428\)](#), arts. 1(1), 2, Sch.

**F269** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17(2)(a)

#### Modifications etc. (not altering text)

**C23** Power to amend s. 178(1) conferred by [Public Expenditure and Receipts Act 1968 \(c. 14\)](#), s. 5, [Sch. 3](#)

#### Marginal Citations

**M22** 1953 c. 20.

**M23** 1965 c. 49.

## <sup>F237</sup>179 ..... **E+W+S**

#### Textual Amendments

**F237** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by [S.I. 1974/1941](#), reg. 7, [Sch. 1](#)



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## 180 Regulations, rules and orders. **E+W+S**

- (1) Any regulations, rules or orders made under this Act shall be made by statutory instrument, except an order applicable only to particular persons, premises, boilers, employment, operations or work or to persons employed at particular premises or on work supervised from particular premises.
- (2) Any statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power conferred by this Act to make regulations, rules or orders shall include power to make different provisions in relation to different circumstances.
- (4) Any power conferred by this Act to make an order shall include power to revoke such an order by a subsequent order [<sup>F238</sup>and the provisions of section 50 of the <sup>M12</sup>Health and Safety at Work etc. Act 1974 shall apply to any such power which is exercisable by statutory instrument as they apply to a power to make regulations.]
- <sup>F239</sup>(5) .....
- (6) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of the chief inspector [<sup>F240</sup>or of the chief employment medical adviser or a deputy chief employment medical adviser.]
- <sup>F239</sup>(7) .....
- (9) Any regulations or order made by the Minister under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the regulations or order.
- <sup>F239</sup>(10) .....

### Textual Amendments

**F238** Words added by [S.I. 1974/1941, Sch. 2 para. 13](#)

**F239** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by [S.I. 1974/1941, reg. 7, Sch. 1](#)

**F240** Words added by [Employment Medical Advisory Service Act 1972 \(c. 28\), s. 2\(3\)](#)

### Modifications etc. (not altering text)

**C22** Reference to chief employment medical adviser and deputy chief employment medical adviser to be construed as reference to a person appointed for the purposes of that provision by the authority responsible for maintaining the employment medical advisory service: [Health and Safety at Work etc. Act 1974 \(c. 37\), s. 60\(4\)](#)

### Marginal Citations

**M12** [1974 c. 37.](#)

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)

**181 Substitution of corresponding provisions for certain provisions of Factory and Workshop Act 1901. E+W+S**

(1) The provisions contained in the Fifth Schedule to this Act (being provisions of the <sup>M13</sup>Factory and Workshop Act 1901 which do not apply in England <sup>F241</sup> . . . , set out with the necessary modifications) shall have effect in Scotland and <sup>F241</sup> . . . in lieu of the corresponding provisions repealed by the <sup>M14</sup>Factories Act 1937 <sup>F242</sup> . . .

<sup>F243</sup>(2) . . . . .

<sup>F244</sup>(3) . . . . .

**Textual Amendments**

**F241** Words repealed by [London Government Act 1963 \(c. 33\), s. 93, Sch. 18 Pt. II](#)

**F242** Words repealed by [S.I. 1977/746, Sch. 3](#)

**F243** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by [S.I. 1974/1941, reg. 7, Sch. 1](#)

**F244** Ss. 181(3), 182(2) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)

**Marginal Citations**

**M13** 1901 c. 22.

**M14** 1937 c. 67.

**182 General application to Scotland. E+W+S**

(1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.

<sup>F245</sup>(2) . . . . .

(3) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette either in addition or in substitution, as the case may require.

(4) Any offence against this Act for which the maximum penalty that may be imposed does not exceed ten pounds may be prosecuted in any court of summary jurisdiction within the meaning of the <sup>M15</sup>[<sup>F246</sup>Criminal Procedure (Scotland) Act 1975] having jurisdiction in the place where the offence was committed.

<sup>F247</sup>(5) . . . . .

(7) Every person convicted of an offence against this Act may be found liable in expenses.

<sup>F248</sup>(8) . . . . .

[<sup>F249</sup>(9) Any powers exercisable by an inspector appointed by a county or town council (or, on or after 16th May 1975, by an islands or district council) under section 19 of the <sup>M16</sup>Health and Safety at Work etc. Act 1974 shall, for the purposes of their duties under the Public Health (Scotland) Act 1897, extend to factories within the meaning of that Act. ]

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

#### Textual Amendments

- F245** Ss. 181(3), 182(2) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F246** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **s. 460(1)(b)**
- F247** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by [S.I. 1974/1941, reg. 7](#), **Sch. 1**
- F248** S. 182(8) repealed (S.) (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(Commencement No. 2, Savings and Consequential Provisions\) Order 2009 \(S.S.I. 2009/319\)](#), art. 2, **sch. 3 Pt. 1**
- F249** S. 182(9) substituted by [S.I. 1974/1941](#), **Sch. 2 para. 14**

#### Marginal Citations

- M15** 1975 c. 21.  
**M16** 1974 c. 37.

### 183 Transitional provisions and repeals. **E+W+S**

(1) This Act shall have effect subject to the provisions of the Sixth Schedule to this Act.

<sup>F250</sup>(2) .....

#### Textual Amendments

- F250** S. 183(2), Sch. 7 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**

### 184 Construction of references in other enactments to factories and workshops, etc. and exclusion of certain provisions of Public Health (London) Act 1936. **E+W+S**

(1) <sup>F251</sup> . . . references in any enactment to a factory or workshop within the meaning of the Factory and Workshop Acts 1901 to 1929, or any of those Acts, shall be construed as references to a factory within the meaning of this Act.

<sup>F252</sup>(2) .....

<sup>F253</sup>(3) .....

#### Textual Amendments

- F251** Words in s. 184(1) repealed (19.5.1997) by [1997 c. 29, s. 33\(2\)](#), **Sch. 4**; [S.I. 1997/1097, art. 3\(d\)](#), **Sch.**
- F252** Ss. 85, 118, 151, 152, 184(2) repealed by [Employment Medical Advisory Service Act 1972 \(c. 28\)](#), **Sch. 3**
- F253** S. 184(3) repealed by [London Government Act 1963 \(c. 33\)](#), s. 93, **Sch. 18 Pt. II**

### 185 Short title, commencement and extent. **E+W+S**

(1) This Act may be cited as the Factories Act 1961.

(2) This Act shall come into force on the first day of April, nineteen hundred and sixty-two.

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

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- (3) This Act, except subsections (1) and (2) of section seventy-seven <sup>F254</sup> . . . , does not extend to Northern Ireland.

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**Textual Amendments**

**F254** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**

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## SCHEDULES

### <sup>F255</sup>FIRST SCHEDULE **E+W+S**

#### Textual Amendments

**F255** Sch. 1 repealed (1.1.1997) by S.I. 1996/3022, reg. 2, Sch. Pt. I

### <sup>F256</sup><sup>F256</sup>SECOND SCHEDULE **E+W+S**

#### Textual Amendments

**F256** Sch. 2 repealed by S.I. 1976/2004, Sch. 1

.....  
F256

### <sup>F257</sup><sup>F257</sup>THIRD AND FOURTH SCHEDULES **E+W+S**

#### Textual Amendments

**F257** Ss. 1(5), 2(4), 3(3), 4(2), 5(2), 7(2), 9, 10, 14(3)(4)(6), 17(3)–(5), 18(5)(6), 25(4), 53–55, 58(2)–(4), 59(2)(3), 62, 66, 70, 71, 72(2), 73(2), 76, 81, 83, 121(7), 122(6), 124(2)(3), 129(1), 134, 137(5), 142, 145, 149, 150, 153(3), 159, 164(3), 174(2), 177, 179, 180(5)(7)(8)(10), 181(2), 182(5)(6), Schs. 3, 4 repealed by S.I. 1974/1941, reg. 7, Sch. 1

.....  
F257

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

[<sup>F258</sup>FIFTH  
 SCHEDULES E+W+S]

Section 181.

PROVISIONS OF THE FACTORY AND WORKSHOP ACT 1901  
 APPLICABLE IN LONDON AND SCOTLAND ONLY . . . <sup>F259</sup>]

**Textual Amendments**

**F258** Sch. 5 repealed, except as respects Scotland, by [London Government Act 1963 \(c. 33\)](#), s. 93, **Sch. 18 Pt. 11**

**F259** Words repealed by [S.I. 1977/746](#), **Sch. 3**

*Prohibition of employment of women after childbirth.*

- 61 If the occupier of a factory knowingly allows a woman or girl to be employed therein within four weeks after she has given birth to a child he shall be liable to a fine not exceeding [<sup>F260</sup>level 1 on the standard scale], or if the offence was committed during the night [<sup>F260</sup>level 1 on the standard scale], pounds for each person so employed, and in the case of a second or subsequent conviction within two years after the last conviction for the like offence not less than [<sup>F260</sup>level 1 on the standard scale] for each offence.

**Textual Amendments**

**F260** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. **289G**

*Making of wearing apparel where there is scarlet fever or smallpox.*

- 109 If the occupier of a factory or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired, in any dwelling-house or building occupied therewith, while any inmate of the dwelling-house is suffering from scarlet fever or smallpox, then, unless he proves that he was not aware of the existence of the disease in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be guilty of an offence and liable to a fine not exceeding [<sup>F261</sup>level 1 on the standard scale] pounds.

**Textual Amendments**

**F261** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. **289G**

*Prohibition of home work in places where there is infectious disease.*

- 110 If any inmate of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory, or

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*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

any other place from which work is given out, or on the contractor employed by any such occupier.

- (2) The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the [<sup>F262</sup>designated medical officer], or that other reasonable precautions shall be adopted.
- (3) In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the [<sup>F262</sup>designated medical officer].
- (4) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be guilty of an offence and liable to a fine not exceeding [<sup>F263</sup>level 1 on the standard scale].
- (5) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by order of the Minister of Health or, as respects Scotland, the Secretary of State.

**Textual Amendments**

**F262** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 122](#)

**F263** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

SIXTH SCHEDULE **E**  
**+W+S**

Section 183.

TRANSITIONAL PROVISIONS

- 1 Any reference in any enactment or document, whether express or implied, to any enactment repealed by this Act or by any enactment so repealed or to any provision contained in any such enactment shall be construed as a reference to this Act or, as the case may be, to the corresponding provision of this Act.
- 2 Any order, regulation, rule, byelaw or appointment made, direction, certificate or notice given, or other thing done under any provision contained in an enactment repealed by this Act or by an enactment so repealed shall continue in force and—
  - (a) if it could have been made, given or done under the corresponding provision of this Act, shall have effect as if it had been so made, given or done;
  - (b) if it is an order or regulation made under a power which, under the corresponding provision of this Act, is exercisable by a different class of instrument, shall have effect as if it were an instrument of that class made under that provision.

3 ..... **F264**

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Factories Act 1961. (See end of Document for details)*

#### Textual Amendments

**F264** Sch. 6 para. 3 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**

- 4 (1) Subject to sub-paragraph (2) of this paragraph, a factory which has been furnished with a certificate in pursuance of subsection (1) of section fourteen of the <sup>M17</sup>Factory and Workshop Act 1901 and a factory in respect of which a notice issued in pursuance of subsection (2) of that section has been complied with, or in respect of which an award has been made under subsection (3) of that section and has been complied with, shall be entitled to receive a certificate under section forty of this Act and, pending the receipt of the certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force with respect to it.
- (2) Sub-paragraph (1) of this paragraph shall only apply to any factory if and so long as the means of escape provided therein are properly maintained, and shall not apply to any factory if, since the certificate was furnished or the notice or award was complied with in pursuance of the said section fourteen, any action has been taken of which notice would, if this Act had been in force and a certificate under section forty had been granted, have been required by section forty-one of this Act to be given to the fire authority.

#### Marginal Citations

**M17** 1901 c. 22.

- 5 In the case of any factory constructed or converted for use as a factory before the coming into operation of section thirty-four of the <sup>M18</sup>Factories Act 1937 (that is to say the first day of July, nineteen hundred and thirty-eight) which is not a factory to which paragraph 4 of this Schedule applies, no offence shall be deemed to be committed under section forty of this Act by reason of the use of the factory during any period that may elapse before the grant or refusal of a certificate under that section by the fire authority, and if the fire authority refuse to grant a certificate in respect of the factory unless alterations are made, no such offence shall be deemed to be committed while the alterations are being carried out in accordance with the requirements of the authority.

#### Marginal Citations

**M18** 1937 c. 67.

- 6 Where, before the coming into operation of the First Schedule to the <sup>M19</sup>Factories Act 1959 (that is to say the first day of December, nineteen hundred and sixty) a certificate was issued under section thirty-four of the <sup>M20</sup>Factories Act 1937 with respect to such a factory as is mentioned in paragraph 1 of the Second Schedule to this Act, but—
- (a) neither the certificate nor a copy thereof was issued to the owner of the building in which the factory is comprised; or
  - (b) neither the certificate nor a copy thereof or of the relevant part thereof was issued to the occupier of the factory;



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the council by whom the certificate was issued shall, at his request, send him a copy thereof or, as the case may be, of the relevant part thereof; and the owner may, in the case of any such certificate, comply with the requirement as to its registration by attaching a copy thereof to the register mentioned in sub-paragraph (c) of paragraph 8 of the Second Schedule to this Act.

**Marginal Citations**

**M19** 1959 c. 67.

**M20** 1937 c. 67.

- 7 Any order made under Regulation 59 of the Defence (General) Regulations 1939 which is in force at the commencement of this Act shall continue in force, but may be revoked by order of the Minister; and any provision made by an order continued in force by this paragraph which could have been made by special regulations under section one hundred and seventeen of this Act shall be deemed, until the order is revoked, to be contained in such regulations.
- 8 The mention of particular matters in this Schedule shall be without prejudice to the general application of [<sup>F265</sup>sections 16(1) and 17(2)(a) of the <sup>M21</sup>Interpretation Act 1978] (which relates to the effect of repeals).

**Textual Amendments**

**F265** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

**Marginal Citations**

**M21** 1978 c. 30.

F266F266SEVENTH  
SCHEDULE E+W+S

**Textual Amendments**

**F266** S. 183(2), Sch. 7 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. XI](#)

F266

**Status:**

Point in time view as at 01/04/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the Factories Act 1961.